

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 19 NOVEMBER 2015**

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.

INDEX PAGE

RB2015/0283 Formation of temporary access road and soil bund around practice area at Grange Park Golf Club Upper Wortley Road Kimberworth for Grange Park Golf Club	Page 9
RB2015/1084 Proposed installation and operation of a ground mounted solar farm & associated infrastructure at land at Penny Hill Lane Ulley for Banks renewables (Penny Hill Solar Farm) Ltd	Page 21
RB2015/1169 Change of use of former library, former Council offices and erection of a three storey building to form a residential institution (Use Class C2) at Rawmarsh Branch Library/RMBC Council Offices Rawmarsh Hill Parkgate for Action Housing	Page 48
RB2015/1172 Erection of building for use within classes B1(b) research, B1(c) industrial process, B2 general industrial and B8 storage or distribution, and enlargement of existing surface water balancing pond (Building 10) at land at Waddington Way Aldwarke for E V Waddington Ltd	Page 57

Application Number	RB2015/0283
Proposal and Location	Formation of temporary access road and soil bund around practice area at Grange Park Golf Club, Upper Wortley Road, Kimberworth, S61 2SJ
Recommendation	Grant subject to conditions



This application is being presented to the Planning Board as it does not fall within the scheme of delegation for minor operations.

Site Description and Location

The Grange Park Golf Club lies to the west of the A629 and North of Kimberworth with the M1 motorway running along the east boundary.

The main clubhouse and car park are located at the end of a long driveway which runs alongside the 16th and 17th fairways. The wider site is surrounded by woodland and fields.

The practice ground is located to the south of the driveway with the majority of holes to the west of the clubhouse with several to the north of the driveway.

South of the clubhouse and accessed via the same driveway as the Golf Club is Grange Park Farm, a residential dwelling.

Background

There have been several planning applications in the past relating to the golf club, none of which have any implications on the current proposal.

Proposal

The application was originally for the formation of two separate areas of earth bunding, one adjacent to the 17th hole and one around the practice area.

The proposed bund down the side of the 17th hole has now been omitted from the scheme and the application is now for the formation of a bund around the practice area.

The reason for this application is to create a safer enclosed practice area and to increase safety for both the general public and other users of the golf course. The applicant's agent states: "At present golfers hit from the west (top) of the practice ground downhill toward the woods and recreational footpath beyond. The fence is currently insufficient to prevent golf balls leaving the practice ground and therefore this presents a safety hazard."

The bund will allow for the creation of three teeing areas at the bottom of the practice ground (east) hitting west. The bunding also allows for the protection of the 18th hole to the west and will prevent golf balls being struck out of the practice area. It would be approximately 250 metres long by approximately 165 metres wide in total and will create a bowl shape effect in the landscape with the sides built up to approximately 4 metres high.

The applicant states that the works will require on average 30 lorry movements (one movement being taken to mean the lorry entering and leaving the site) per day, importing circa 72,000 tonnes of material that is to be sourced from the Sheffield and Rotherham area. The works will take approximately 2 years to complete.

To create the bund, access for lorries will be derived off Upper Wortley Road down part of the entrance drive to the Golf Course before turning down the access drive to the existing golf driving range. A temporary haul road will then be created down the adjacent field (which is in Council ownership, as is the Golf Course) with passing bays provided along the haul road. Once the bund is complete the haul road will be removed.

The applicant has further stated:

- Proposed changes to the practice ground will vastly improve the facility, enabling people to use the facility all year round and practise safely with all clubs including their driver. These improvements will make it easier to attract members, visitors and golf tournaments to the site. The development will make the site far safer for both the general public and golfers alike, making it far less likely that anyone will be struck with an errant golf ball.
- Whilst the changes will turn the practice ground in to more of a bowl, the current low point of the practice ground is not at the bottom but some 50 yards short of the bottom. There is currently a ditch that runs across the 18th fairway which drains the practice ground, we will maintain this ditch by putting a pipe under the bund. As part of the development we are reversing the direction in which players will hit so players will be hitting up the hill. The golf balls will therefore be landing on much drier ground making the facility much more useable year round. We also own our own vertical drain, hollow core, and earth quake machines as well as our own mini digger, enabling us to deal with any other drainage issues which may arise as a result of the development.

- There will be minimal impact on the driveway as only the very top of it will have Lorries travelling over it. It is vital to us as a business that we maintain a quality access road to the site; we will therefore maintain the road throughout the development.
- We have in the last 10 years spent a lot of money on developing both the golf course and clubhouse. This development will further improve both the golf course and practise facilities, making it easier to attract both members and visitors. The practice facility will complement the world class driving range owned by Peter Cowen at the top of the drive and give us more opportunity to work together on developing junior golf in the area. This development will also provide funds to further develop the facilities.

In support of the application several technical documents were submitted:

Tree Survey and Arboricultural Impact

The survey was carried out by Peter Jackson on 29 May 2015. The report states: "The area contains a number of mature trees in an urban location and as the trees have formed a natural association each individual tree is not debated on an individual basis. The purpose of this report is only to examine in detail the effect of a proposed future development of the land on the existing vegetation during the construction of the proposed development."

The report states:

- There are no changes in levels in the Root Protection Area (RPA), and specialist construction is not required. The design should be modified to achieve this.
- There are no alterations in the surface of the RPA.
- There are no new services to be installed through the RPA to complete the proposed works.
- The proposed access is via the entrance drive. This will not result in the need to pass the retained trees adjacent to the site with plant and machinery.
- There should be a dedicated construction compound on the site that should not be located within the RPA of the trees surrounding the site.
- New tree planting will be undertaken in the form of a landscape scheme.

Preliminary Ecological Appraisal

The survey carried out by Absolute Ecology on 25 March 2015, summaries that the potential for the works to impact upon protected species or ecological sensitive areas is low, provided they are carried out sensitively.

It further states that there is potential for birds to nest within the trees on site. Nesting birds may be present in the trees during the bird breeding season (March to August inclusive). If vegetation removal is planned during these months, then a prior check for nesting birds should be undertaken by an ecologist. Any active nests must not be moved until fledglings have dispersed.

No evidence of rare or threatened mammals was observed on site. If evidence of protected mammals (such as badger or polecat) is found prior to, or during works, then all work should cease and the advice of a suitably qualified ecologist sought.

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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Green Belt purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belt'
CS21 'Landscapes'
CS28 'Sustainable Design'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

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

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. One letter of representation has been received. The issues raised are summarised below:

- The considerable material required will result in numerous lorry movements to and from the sites. The location of the access point(s) to facilitate these operations is critical to whether or not a formal objection would be lodged to the proposals.
- I note the proposed access temporary access road and ramp will be formed at the top end of the drive, this is acceptable although some protection may be required to the water main that runs across the area and it would be appreciated if consideration could be given to confirmation of this access proposal for both areas of tipping.

- Have concerns that should an access be created in other locations it would have an adverse effect on the immediate environment to my property and potentially cause damage to the shared access to my home and mature woodland.
- I support the statement in the arboricultural impact statement that states access to the practice ground area should avoid going through the woodland off the car park.
- I would like some of the following conditions, subject to planning legislation being incorporated into any approval:
- Prevention of mud / waste material encroaching onto the golf course drive and A629
- Times of operation
- Limitation of duration of tipping
- Submission of detailed landscaping proposals following completion.

On receipt of amended plans and additional information a further neighbour letter was sent out giving a further 21 days to comment. A letter of representation has been received from the same resident. They have indicated that the additional information submitted has satisfied their previous comments and have no objections to the proposal.

Consultations

Streetpride (Transportation Unit): Have no objections subject to the usual safeguards in terms of dealing with mud etc. deposited in the highway and access road.

Streetpride (Green Spaces): Have no objections to the formation of the bund or the siting of the temporary access road.

Streetpride (Public Rights of Way Officer): The alterations will not further impact on the right of way or increase the potential pedestrian / vehicle conflict as visibility is good in the locality. The landowner has been informed and made comments that the surface should be left in the same condition as prior to any works or improvements will be necessary.

Streetpride (Drainage): Have no objections subject to conditions.

Streetpride (Trees and Woodlands): No objections subject to conditions.

Streetpride (Landscape Design): No objection subject to conditions.

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 this application are:

- The principle of development and the impact on the visual amenity and openness of the Green Belt
- Landscape impact
- Impact on residential amenity
- Highway issues

The principle of development and the impact on the visual amenity and openness of the Green Belt

The site is within the Green Belt, and as such needs to be considered against the appropriate national and local policy relating to development within the Green Belt.

Core Strategy Policy CS4 'Green Belt' states Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy.

Paragraph 79 of the NPPF sets out the Government's approach to the Green Belt and states: "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 90 sets out other forms of development which are not inappropriate in the Green Belt. It states: "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do no conflict with the purposes of including land in the Green Belt." One of the exceptions is engineering operations.

It is considered that the formation of the bund is an engineering operation and therefore should be assessed under the requirements of paragraph 90 of the NPPF.

In regard to paragraph 90, consideration must be given to whether the engineering operations hereby proposed would preserve the openness of the Green Belt, and whether the works conflict with the five purposes for including land within the Green Belt.

In respect of the formation of the bund and the potential effect on the openness of the Green Belt, it is considered that the openness of the Green Belt in this location will not be diminished by the proposed engineering operations. The bund around the practice ground is to be set within the context of the golf club and course where the land form is varied and includes a varied topography, including bunkers, mounding, trees and hedgerows together with areas of standing woodland. It is considered that taken with the character of the area the proposed bund will assimilate into the existing landform and there will be no loss of openness as a result of the proposals.

Furthermore, the bund is to be seeded and grassed over and will therefore naturalise into the landscape of the golf course. It is also considered that the height of the bund would not be over dominant or introduce an incongruous feature into the landscape due to the existing topography.

In addition to the assessment on the openness of the Green Belt paragraph 90 also states engineering operations should not conflict with the purposes of including land within Green Belt. The purposes of including land within the Green Belt are set out in paragraph 80 of the NPPF. Paragraph 80 states: "Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into on another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land."

The proposal will not be in conflict with any of the above principles and it is therefore considered that the proposed formation of a bund around the practice ground would not constitute inappropriate development in the Green Belt, as the engineering operations would not impede on the openness or the purposes of including land within it. Accordingly, the proposal would be in compliance with the requirements outlined within adopted Core Strategy Policy CS4 and the paragraphs 79 to 92 of the NPPF.

Landscape impact

In respect of landscape impact the requirements of Core Strategy Policies 21 'Landscapes' and 28 'Sustainable Design' are relevant.

Policy CS21 'Landscapes' states: "New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes.

Policy CS28 'Sustainable Design' states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

The Council's Landscape Design team and Trees and Woodlands Service have assessed the information submitted in support of the application together with the impact of the proposals on adjacent trees and the wider landscape in terms of visual impact.

The original proposals for two bunds were likely to have had a negative effect on some of the existing trees on the 17th hole bund, however this element has now been removed but there is still the potential to effect existing trees during the works if not adequately protected. It is therefore recommended that a suitable condition

be imposed to safeguard the trees around the practice area and subject to this the development would have little adverse impact on the landscape of the site.

In light of the above it is considered that the proposed bund would be in accordance with the requirements of policies CS21 and CS28. Therefore the proposal if approved would not detract from the quality, or affect the character and amenity value of the borough's landscapes and would not result in an adverse impact on the landscape character.

Impact on residential amenity

In respect of residential amenity, the NPPF at paragraph 17 states development should achieve a good standard of amenity for all existing and future occupants of land and buildings. Further to this 'saved' UDP policy ENV3.7 'Control of Pollution' states the Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and that planning permission will not be granted for new development which is likely to give rise to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water.

Any possible impact on residential amenity will come from the noise associated with creating the bund and could affect the residents of Grange Park Farm. However, the proposed construction access is in a location a considerable distance from the property in question. Furthermore, it will be to the benefit of the golf club itself to minimise the impact on the access drive, in terms of disturbance, mud and dust.

It is noted that the occupant of Grange Park Farm raised issues regarding mud and hours of operation. These issues are noted and issues of mud on the highway are subject to a specific condition, while hours of operation will be covered under the Environmental Health act and will be added as an Informative.

In addition, the neighbour requested the imposition of a condition requiring the works to be completed within a specified time in order to reduce the amount of disturbance. However, such a condition would not meet the tests set out within the National Planning Practice Guidance as it constitutes a condition that would be unreasonable. Furthermore, once the works start it will be to benefit of the golf club to carry these out as quickly as possible, so they can start to benefit from the increased revenue they believe the works will generate.

It is further noted that the objector's main issue about the construction road and its impact on their amenity, has been withdrawn after viewing the amended details.

In light of the above it is considered that the construction phase of the development subject to the contractors complying with the requirements of the Environmental Health Act would have no adverse impact on occupants of neighbouring properties. Furthermore, once the works are complete there would be no impact on neighbouring occupants. Accordingly, the scheme is considered to be in compliance with 'saved' UDP Policy ENV3.7 and the requirements of the NPPF at paragraph 17.

Highway issues

The current proposal now involves the tipping of some 72,000 tonnes of inert material over a period of 1.5 to 2 years. An average of 30 HGV movements per day are envisaged i.e. 30 in and 30 out. Vehicular access is now to be derived via the access to the existing golf driving range (the route of a Definitive Footpath) and passing bays are to be provided along the haul road.

As such, the Council's Transportation Unit is of the opinion that the proposal is unlikely to result in a material adverse impact in highway terms. Therefore they have no objections, to the granting of planning permission from a highways perspective subject to a condition requiring safeguards in terms of mud etc. deposited on the highway.

Conclusion

In conclusion and having regard to the comments raised by the objector it is considered that the proposed formation of a single earth bund around the existing practice ground would not represent inappropriate development in the Green Belt, as the engineering operation required would not affect the openness of the Green Belt or the five purposes for including land within it. Furthermore, the proposal would not adversely affect the existing landscape impact or have an affect on the amenity of occupiers of the neighbouring property during the construction.

Accordingly, the proposal is considered to be in compliance with the requirements detailed within the Council's adopted UDP and Core Strategy, as well as the relevant paragraphs of the NPPF. Therefore, for the reasons outlined above the application is recommended for approval subject to conditions.

Conditions

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 site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Drawing numbers 37186/003 rev B, 37186/004 rev A, 37186/005 rev A, 37186/006 rev A received 2 July 2015 and 15/123-01C and 15/123-02C, received 9 October 2015)

Reason

To define the permission and for the avoidance of doubt.

03

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

04

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

05

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

06

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work and on site attenuation of surface water flows, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

07

Prior to the commencement of development details of the measures to be employed to prevent the egress of mud, water and other detritus onto the highway and details of the measures to be employed to remove any such substance from the highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be used for the duration of the works.

Reason

In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety.

08

Prior to commencement of development details of the temporary access road required to transport materials to the site, including constructional and drainage details shall be submitted to and approved in writing by the Local Planning Authority. The access road shall be completed in accordance with the approved details before any material is brought to site and after the works are completed the temporary road shall be restored in a manner to be agreed with the Local Planning Authority.

Reasons

In the interests of road safety and to ensure the site is restored in an appropriate manner.

09

All soils/materials imported to site for shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The details of the proposed sampling regime shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works and carried out in full compliance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives:

01

The applicant should be made aware that existing land drainage systems are located in the area and that any works affecting an ordinary watercourse should contact the Council's Drainage Section

02

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. 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 Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should 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 Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) 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 Local 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.

(iv) Effective steps should 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.

03

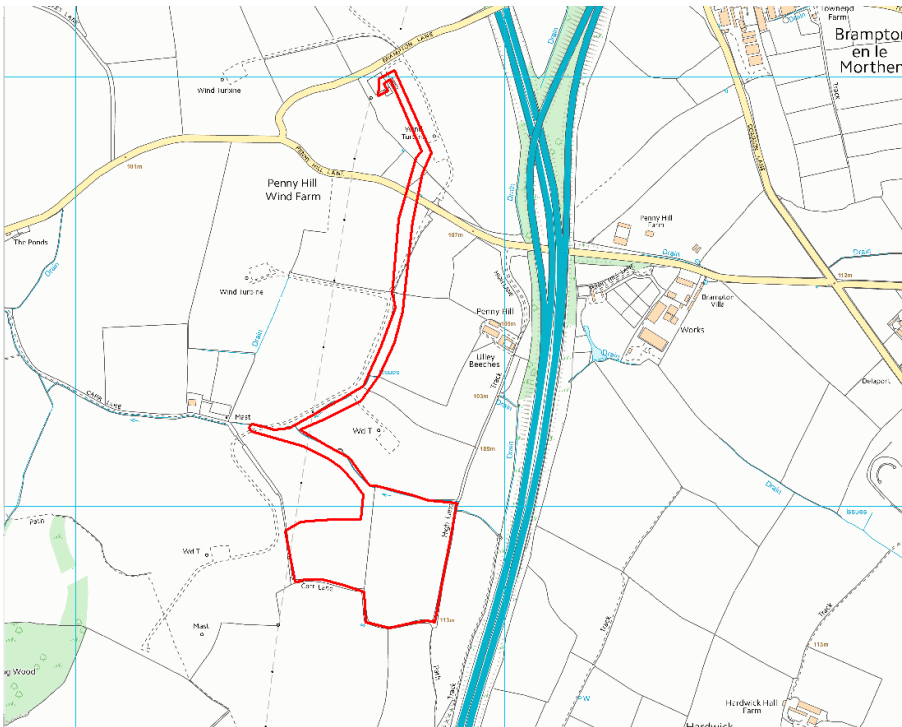
Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity

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.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2015/1084
Proposal and Location	Proposed installation and operation of a ground mounted solar farm & associated infrastructure at land at Penny Hill Lane, Ulley
Recommendation	Grant subject to conditions



This application is being presented to the Planning Board as it does not fall within the scheme of delegation for minor operations.

Site Description and Location

The site is located within the south eastern boundary of the existing Penny Hill Wind Farm site, which consists of 6no. 132m high wind turbines and associated infrastructure. It comprises two arable fields with perimeter hedgerows and

extends to approximately 7.3ha in area. It is located approximately 1km from the nearest settlement which is Ulley Village. Directly to the east is the M1 motorway and the M1/M18 junction is located approximately 0.8km to the north.

The two fields within the site slope towards each other creating a shallow valley within the site, falling towards the north. The site is bounded to the east by High Lane and to the south and west by an un-named track. All have public access and are lined with trees. There are a few scattered woodlands in the immediate locality; however the landscape is generally open with numerous dense hedgerows demarking tracks and field boundaries.

Background

RB2009/0824 - Erection of 6 No.132m high wind turbines and associated 80m high anemometer mast, access roads, crane pads, control building, substation and temporary construction compound – Granted Conditionally 16/12/2010. The permission was granted for a period of 25 years from the commencement of operations, and these operations commenced in 2012.

RB2012/1301 - Non Material Amendment to remove condition 16 of previously approved application RB2009/0824 – Granted 03/10/2012

EIA Screening

The development proposed falls within the description at paragraph 3(a) of Schedule 2 of the 2011 Regulations and exceeds the threshold in column 2 of the table in Schedule 2 to the 2011 Regulations. Therefore, the Council considers that the development proposed is 'Schedule 2 development' within the meaning of the 2011 Regulations.

In the Council's opinion however, having taken into account the criteria in Schedule 3 to the Regulations, the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Accordingly, it is the Council's opinion that the proposed development is not 'EIA development' within the meaning of the 2011 Regulations.

This opinion on the likelihood of the development having significant environmental effects is reached only for the purpose of a screening opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Proposal

This is a full application for the installation and operation of a ground mounted solar photovoltaic scheme capable of generating up to and including 5MW of electricity (the generation of electricity is equivalent to the annual use of 1,320 households). The application seeks permission to operate for a period of 23 years (consistent with the wind farm timeframe), after which time the solar farm would be decommissioned and all materials and infrastructure removed from the site and the land restored to its baseline condition, to be used for full agriculture.

The solar panels are proposed to be mounted at approximately 25-40 degrees to the horizontal on static frame systems orientated in east to west rows. Frames will

be pile driven into the ground and as such no concrete foundations are required. The maximum height of the panels will be 3m above ground level and the lower edge approximately 1m above ground level enabling grazing by small livestock. It is anticipated that approximately 18,280 panels will be installed and will be dark blue or black in colour and coated to maximise daylight absorption and minimise glare potential.

It is also proposed to erect 6no. inverter units in locations adjacent to the panel arrays. These buildings have footprints of 6.5m x 2.5m and are 3m in height. Each unit will include a transformer element required to convert the direct current produced by the panels into alternating current for transmission across the site.

A security fence up to 2.4m high is shown to be erected with a double gated access around the perimeter of the site. An indicative fence design has been shown by the applicant indicating that the fence could be designed with wooden posts and wire inserts, however the detailed design will be secured via a condition.

Turning to the required infrastructure, on site cables connecting the panel arrays to the inverter units will be laid within shallow trenches up to 1.2m deep following the orientation of the panel rows and access track. Further underground cabling will connect the inverter units to the existing substation off Penny Hill Lane, running adjacent to the wind farm access track.

New on site access tracks are proposed for construction and maintenance traffic to reach the centre of the site. These will run from the wind farm access track to connect the panel arrays and the inverter units. The new tracks will comprise a permeable geotextile layer covered with locally sourced aggregate stone.

Finally, a temporary construction compound and welfare and unloading area will be established along the northern boundary of the site for the duration of the construction phase. This will include a hard standing area for all vehicles, deliveries and on-site parking provision. This will be removed and reinstated once the site is operational.

The application is accompanied by the following supporting documents:

Planning Statement

The Planning Statement outlines the proposal to construct a solar farm development with associated infrastructure. It confirms that it will have the generating potential to deliver up to 5MW of renewable energy to the national grid and its installation will form part of a combined wind-solar scheme. It concludes that the proposal will utilise existing infrastructure to deliver an efficient scheme and is in accordance with national and local policy and guidance whilst providing significant wildlife benefits through the creation of new habitats and enhancement of hedgerows.

Design and Access Statement

The DAS explains the design principles and concepts that have been applied to the proposal, in particular the use, amount, layout, appearance and scale. Access and phasing of the development are also considered.

Statement of Community Engagement

This document provides information relating to the public exhibition held on 25 June 2015 in Ulley Village Hall. It confirms that 31 people attended, 12 of whom completed comments sheets which generally indicated that no objections were raised to the proposal, however concerns were raised regarding related traffic movements during the construction phases and hedgerow enhancement commitments.

Landscape and Visual Impact Assessment

The LVIA was undertaken to assess the likely landscape and visual effects of the proposed development upon the site and surrounding area. It concludes by stating that *“The Proposed Development has aimed to be well-sited and well-designed and it is considered that the landscape has the capacity to accommodate the scheme. Mitigation to reduce visual impacts has been incorporated in the Site design and outline Biodiversity Management Plan. It is concluded that the Proposed Development accords with local renewable energy Policy CS30. The LVIA concludes that the addition of the solar farm to the baseline would not result in prominent impact to the landscape value of the area, the primary concern of the AHLV designation. The Proposed Development is therefore considered in keeping with Policy CS21.”*

Ecology Assessment

This assessment concludes that *“the Proposed Development in not likely to result in significant harm to biodiversity or to result in significant biodiversity impacts at the local level. It is considered that the Proposed Development meets the requirement of local renewable energy policy outlined in CS30. It offers the opportunity to increase the biodiversity value of the Site both during the project lifetime and beyond with long term hedgerow enhancement, supporting objectives of the Rotherham Biodiversity Action Plan and providing biodiversity gain. This accords strongly with policy CS20.”*

Soils and Agricultural Land Classification

This report confirms that 29% of the application site falls within Subgrade 3a (Good) and the remaining 71% within subgrade 3b (moderate) consistent with the Agricultural Land Classification grading method. It concludes that *“Due to the low levels of disturbance to the soil resources and the potential for use of the land for agricultural purposes during the operational phase, the proposed Penny Hill Solar Farm would have no significant effects on agricultural land or soil resources..... It is considered that compelling evidence is presented to demonstrate that the Proposed Development will not lead to significant loss of best and most versatile land or harm to the agricultural industry, and that the individual merits of the scheme outweigh any harm. It is considered that the Proposal Development is acceptable and in accordance with the priorities set out in Policy CS20.”*

Flood Risk Assessment

The FRA considers hydrological constraints to the development of a solar farm at the Site and predicted effects on hydrology as a result of the proposal. It concludes that *“The Proposed Development will not result in a significant change in surface water runoff volume from the Site. It is not considered that there will be an adverse impact on flooding or flood risk within the Site or the surrounding area as a result of the installation of a solar farm as the Site drains directly into the adjacent Ulley Brook.”*

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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Green Belt and Area of High Landscape Value purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 'Green Belt'

CS21 'Landscape'

CS20 'Biodiversity and Geodiversity'

CS30 'Low Carbon and Renewable Energy Generation'

CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

ENV1.2 'Development in Areas of High Landscape Value'

ENV3.7 'Control of Pollution'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development 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 2014 (NPPG)

UK Solar PV Strategy Part 1: Roadmap to a brighter future – Department of Energy and Climate Change October 2013

UK Solar PV Strategy Part 2: Delivering a Brighter Future April 2014

Statement by the Minister of State for Energy and Climate Change (November 2013).

Publicity

The application has been advertised by way of press and 6 site notices. 12 letters of representation have been received, 9 in support of the application and 3 against, including an email following an open evening for residents to discuss the proposal.

In summary, the letters of support recognise the need to provide clean, renewable energy and the solar farm is an excellent example of this. It will also be a wildlife haven to have an area of land that wild flowers and insects can blossom. Bees, butterflies and many other native species are in decline.

The main objections relate to the following:

- The 'farm' constitutes further erosion of the Borough's Green Belt and is in effect an industrialisation of the Green Belt by the back door;
- The area is already the location of six large and intrusive wind turbines and it would appear that private enterprise has further designs on the reduction in the Green Belt;
- While many developments would rightly be discouraged in the Green Belt it would appear that so called green energy has the right to ride rough shod over the Green Belt provisions and the wishes of the local communities. This was witnessed when the Council granted the approval to Banks Developments to erect the six wind turbines in the face of strong local opposition to which the planning committee paid little if any attention;
- The planning application shows viewpoints which are of no relevance as the wind turbines adjacent are hardly visible due to the distance from which the photographs are taken. The solar 'farm' would see the removal of productive farm land to be used by an energy source which can only be supported by subsidies;
- The application has not been well advertised;
- There is land nearby, at the Thurcroft colliery site, which is not usable as agricultural land and could be used for solar panels;
- The site adjoins an ancient track, Carr lane. This is used as a footpath and bridleway. The infrastructure is adjacent to the hedgerow and will be much higher than much of the hedge. It will destroy the view for a considerable length of the track. There are also gaps in the hedgerow and therefore the screening of the panels. Any planning permission needs to include a very explicit expectation that hedges will be reinstated to the full height of the existing substantial hedges.;
- The contractors promised to replace the hedgerows damaged by the wind farm installation especially to protect bat "runs". They have not done this and where they have replaced hedges it is with very small plants which will take a considerable time to grow and provide screening;
- This is an undue intensification of land being used for renewable energy within a Green Belt when there are other non Green Belt sites available.
- Inappropriate use of prime agricultural land that should be used for food production
- Inappropriate use of Green Belt land.

Whiston Parish Council raise no objections to the proposed development.

Ulley Parish Council raise no objections to the proposed development.

Consultations

Streetpride (Highways and Transportation): Raise no objections to the proposal from a highway aspect subject to a condition safeguarding the submission of a construction traffic management plan.

Streetpride (Drainage): Raise no objections to the proposed development.

Streetpride (Landscape): Raise no objections to the proposals subject to the imposition of conditions.

Streetpride (Ecology): Originally raised concerns regarding the limit of the 2km radius search area, however after consulting with the applicant and receiving confirmation that this area is consistent with the earlier wind farm application, no objections are raised subject to the imposition of conditions requiring further checking surveys and the submission of a Biodiversity Management Plan which includes details on hedgerow planting and grass maintenance.

Environmental Health: Confirm that the proposals do not involve any significant noise or air pollution issues.

Environment Agency: Has confirmed that the proposals fall outside the scope of issues the EA wish to be consulted on and as such do not wish to comment on the application.

South Yorkshire Archaeology Service: Confirm that prior to approval of the Penny Hill wind farm, archaeological investigations were undertaken, including geophysical survey and evaluation by trial trenching. This demonstrated that there were no significant archaeological features in the area of the wind farm. These results are also relevant to the area of the proposed solar farm, which has low archaeological potential. Because of this and the proposed construction methods, it is not considered that any archaeological condition is required

Council for the Protection of Rural England: No comments received.

National Grid: No comments received

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 this application are:

- Whether the development would be inappropriate development in the Green Belt and the impact on the openness of the Green Belt.
- Impact on landscape, including the Area of High Landscape Value.
- Impact on ecology.

- Impact on the setting of heritage assets.
- The use of agricultural land for the development; if it is necessary to use agricultural land for the development.
- Impact upon the living conditions of nearby residential occupiers.
- Highway considerations.
- Whether there are any very special circumstances which would outweigh the harm caused by way of inappropriateness, any harm to openness of the Green Belt, and any other harm.
- Other Matters.

Whether the development would be inappropriate development in the Green Belt and the impact on the openness of the Green Belt.

The application site lies within the Green Belt. Paragraph 87 of the National Planning Policy Framework explains that “inappropriate” development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 explains that “very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF does not contain any definition of what is meant by “inappropriate development” in the Green Belt, nor any criteria by which whether or not a proposed development is inappropriate could be ascertained. Rather, the effect of paragraphs 87, 89 and 90, when read together, is that all development in the Green Belt is inappropriate unless it is either the construction of a new building coming within one of the exceptions set out in paragraph 89, or development coming within one of the categories set out in paragraph 90.

The proposed development does not come within any of the paragraph 89 exceptions, but might be argued to constitute “engineering operations”, one of the five other categories of development addressed by paragraph 90. However, it is important to note that paragraph’s specific provision that these other forms of development will only be “not inappropriate” if they preserve the openness of the Green Belt, and do not conflict with the purposes of including land in the Green Belt.

Paragraph 91 of the NPPF states: “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development” but does not specify which parts or which forms of renewable energy development (which vary widely in terms of scale and impact) should be considered inappropriate. It is considered however, bearing in mind the guidance of paragraph 90, the test must be whether the particular renewable energy project in question preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

In this case, the solar panels are proposed to feed into the existing grid infrastructure and be mounted at approximately 25-40 degrees to horizontal on static frame systems, orientated in east to west rows. Frames will be pile driven into the ground and as such no concrete foundations are required. The maximum height of the panels will be 3m above ground level and the lower edge approximately 1m above ground level. It is anticipated that approximately 18,280

panels will be installed and will be dark blue or black in colour. A 2.4m high perimeter fence is proposed to be erected in addition to 6no. inverter units in locations adjacent to the panel arrays. These buildings have footprints of 6.5m x 2.5m and are 3m in height.

As a result of the proposed development, a large area of previously undeveloped land would be covered with raised panels and metal supports, together with 6 inverter units housing electrical equipment, all enclosed by a security fence. Having regard to this, the erection of the solar panels and associated equipment would constitute an intrusion into the undeveloped countryside, and would reduce the openness of the Green Belt. This loss of openness would be compounded by proposed new, and infill, hedgerow planting intended to screen the development and as a result the proposed solar farm would not preserve openness, and would conflict with one of the five purposes of Green Belts set out at paragraph 80 of the NPPF, specifically “to assist in safeguarding the countryside from encroachment”. The development would therefore constitute inappropriate development in the Green Belt.

As such, very special circumstances should be demonstrated to overcome this harm, and any other harm, and these are discussed further below.

Impact on landscape, including the Area of High Landscape Value.

The site is within an Area of High Landscape Value and UDP Policy ENV1.2 ‘Development in Areas of High Landscape Value,’ states that: “*Development other than agriculture will only be allowed where it will not result in a significant and permanent adverse impact on the landscape and adds that strict control will be exercised over any development that does take place to ensure that the visual character of these areas is not affected.*”

Policy CS21 ‘Landscape’ states that: “New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough’s landscapes. This will be achieved through the principles set out below:

- a) All new development proposals will be required to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.*
- b) Within Areas of High Landscape Value, development will only be permitted where it will not detract from the landscape or visual character of the area and where appropriate standards of design and landscape architecture are achieved.*
- c) Significant landscape features, important views including landmarks and skylines will be safeguarded and enhanced. Proposals that reduce the negative visual impact of landscape detractors will be encouraged.*
- d) Development will respect the setting of neighbouring settlements.*

- e) *Where opportunities exist, the Council, and its partners, will support landscape enhancement, restoration, reclamation and other environmental improvements to enhance the quality, appearance and attractiveness of the borough and encourage future investment, development and tourism.*
- f) *Landscape works shall be appropriate to the scale of the development.*
- g) *Developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.*
- h) *Support will be given to initiatives, strategies and projects working towards or contributing to landscape scale conservation, implementing an integrated approach to managing the environment and all its functions.”*

The NPPF notes at paragraph 109 that: *“The planning system should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes, geological conservation interests and soils”*

In support of the application a Landscape and Visual Impact Assessment (LVIA) has been submitted. This document identifies and assesses the likely landscape and visual effects of the proposed development on the site and wider surrounding area. The site is located within the Rotherham Landscape Character Area of 8 - Central Rotherham Coalfield Farmland. The key characteristics of this area are listed as:

- Gently undulating landform
- Large scale arable landscape, with smaller fields around settlements
- Limited woodland cover, although there are woodland blocks at Wickersley Wood and Listerdale Wood
- Most settlement based on mining villages (apart from Todwick which is a dormitory village) with red brick buildings
- Several former deep mines, most now reclaimed, including Thurcroft Dinnington, Kiveton Pit and Silverwood
- Motorway corridors generally in cuttings and not a prominent feature (except in extreme south) – junction of M1 and M18 is prominent
- Stone quarries present around Wickersley
- Panoramic wide-angled views to the south west horizon towards Sheffield

The topography of the site and its surroundings comprises of a gently undulating landform with large arable fields. The two fields within the site slope towards each other creating a shallow valley with the site as a whole falling towards the north. The site is bounded to the east by High Lane and to the south and west by an unnamed track. All tracks have public access and are lined with broad leaved trees. Approximately 0.5km west of the site there is a distinctive broad-leaved woodland, Spring Wood, along part of the Ulley Brook however woodland cover is generally sparse across the study area. The site drains to the north to ditches that connect with Ulley Brook, located approximately 1km west to the site at its closest point. Ulley Reservoir is located approximately 1.8km west of the site to the south of Ulley Country Park. The River Rother is located at approximately 4km west of the site.

The site is surrounded by small villages within the 2km study area identified within the LVIA and the site itself is predominantly agricultural, used for pasture. There are a few scattered woodlands in the vicinity and the landscape is generally open, however numerous dense hedgerows, some left over grown, give definition to tracks and other site boundaries. Fields in the area are generally small to medium in scale.

Information within the LVIA indicates that visibility would broadly be limited to within 1km of the site with limited areas of theoretical visibility at higher points in the surrounding landscape to the north due to the undulating topography. The man-made features of the M1 and M1/M18 junction and existing wind turbines are visually prominent. The M1 and M1/M18 junction are prominent in close proximity to the site while the existing Penny Hill wind farm has a wider visual influence.

Having particular regard to the landscape sensitivity to the proposed development it is acknowledged that the site lies within an Area of High Landscape Value; however it is considered that the site is already influenced by the presence of man-made features in the existing Penny Hill wind farm and the M1 motorway to the east. The influence of these features upon aspects of the landscape character detracts from the naturalness and rural nature of the landscape. This is particularly apparent within the vicinity of the site where these features are experienced together in close proximity.

The site is well contained to the east, south and west due to screening provided by landform and vegetation. From adjacent landscapes to the north visibility is limited. Visibility of the proposed solar farm would be most apparent when viewed from the adjacent M1 and behind the existing Penny Hill wind farm.

As part of the LVIA 8 viewpoints have been provided, each assessing the status of effects. The locations and Visual Impact Assessment of these are set out below:

1. Carr Lane – Route with Public Access approximately 0.3km north west of the site. Assessed as having an Overall Slight Impact.
2. Aston Bridleway 18 – approximately 0.4km east of the site. Assessed as having an Overall Slight Impact.
3. High Lane – Route with Public Access approximately 0.4km north north east of the site. Assessed as having an Overall Slight to Moderate Impact.
4. Ulley Farm and Ulley Footpath 1 – approximately 1km north west of the site. Assessed as having an Overall Slight Impact.
5. Whiston Bridleway 20 – approximately 2.3km north west of the site. Assessed as having an Overall Imperceptible Impact.
6. Binders Hollin Hill Farm on A631 on southern outskirts of Rotherham. Assessed as having an Overall Imperceptible to Slight Impact.
7. Footpath at Castle Hill to west of Laughton en le morthern. Assessed as having an Overall Imperceptible Impact.
8. Properties to the east of Ulley. Assessed as having an Overall Slight Impact.

In addition to this assessment a series of photomontages have been provided from each of the viewpoints, these provide existing and proposed views and demonstrate that the proposed development is barely visible from any of the identified vantage points.

The Council's Landscape Architect has assessed the submitted information and has confirmed that: "*Whilst records indicate the site and local area has a number of important designations it has been recorded by independent studies that the site has low sensitivity to a development such as this due to the influence of major transport corridors, industrial backdrop of Sheffield and Rotherham and evidence of urban activity.....therefore I have no objections to the proposals from a landscape perspective subject to the imposition of standard landscape conditions.*"

Having regard to all of the above, the LVIA concludes that the susceptibility of the landscape to adverse effect as a result of the introduction of the proposed solar farm is low. Combined with a low to medium assessment of landscape value the overall sensitivity of the landscape to the proposed change is low and it is considered that the solar farm would only result in slight adverse effects to the landscape character of the area and slight to moderate adverse effects to two residential properties within 1km of the development.

In addition, the life of the development (23 years) would result in no adverse residual effects on the site or its wider setting. The landscape effects are therefore reversible in the longer term.

To conclude, it is acknowledged that the proposed solar development would result in minor landscape and visual effects. These effects would be predominantly limited to within 1km to the north and north-west of the proposed development and from these areas the proposed development would benefit from partial visual screening due to the existing mature boundary vegetation. Due to the existing Penny Hill wind farm and M1/M18 junction in close proximity to the site the proposed development would not be incongruous and would not be a prominent feature in the landscape of the site or surroundings thereby having only slight effect on the character of the area. Therefore the addition of the proposed solar farm is not considered to have any unacceptable effects and would as a result be in accordance with Local and National Policy and guidance.

Impact on ecology

One of the core planning principles of the NPPF seeks to conserve and enhance the natural environment, as expanded upon by paragraph 118 which states that planning permission should be refused if it would cause significant harm that could not be adequately mitigated. This is consistent with the provisions of Policy CS20 'Biodiversity and Geodiversity' which seeks to conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

An Ecology Assessment has been submitted in support of the application which confirms that a Desk Study and Extended Phase 1 Habitat Survey have been carried out. The content of these surveys include records pertaining to Amphibians, Reptiles, Birds, Bats and Other Mammals present within 2km of the site.

The Extended Phase 1 Survey provides more detailed information on habitats and confirms that there have been no significant changes to the habitats on the site

since the Penny Hill Wind Farm development. Having regard to hedgerows, those that border the perimeter of the site are considered to have relatively high species diversity; particularly the hedgerows to the south, west and east of the site. They are typically of good diversity in terms of structure and woody species. The hedgerow that lies north-south within the site is of significantly lower structural and species diversity. Several of the hedgerows at the site could potentially qualify as important under the Wildlife and Landscape criteria of the Hedgerows Regulation 1997 due to their plant species and diversity, together with their structural/landscape features.

The Assessment concludes by providing recommendations as set out below:

Habitats

As far as possible the existing hedgerows on the site should be retained in situ with a buffer zone of 5 metres to be managed as a rough grassland strip. Where the removal of hedgerow sections is unavoidable, the extent of hedgerow removal should be minimised as far as possible and sections of reduced species/structural diversity should be selected for removal. Any hedgerow removal should be compensated by new hedgerow planting on a minimum 2:1 ratio, i.e. the length of new hedgerow planting should be at least twice that of the length removed. Aside from hedgerow H3 which is species-poor, any removal of hedgerows at the site may require further surveys to determine whether the hedgerows are Important under the Hedgerows Regulations 1997.

Birds

As far as possible, any work affecting potential bird nesting habitat (including open arable) should be undertaken outside the main bird nesting period of March to August inclusive. If this is not possible, ground works should be supervised by a suitably qualified ecologist and, if active bird nests are present, these should be retained in situ undisturbed until the nests are no longer active.

Bats

It is recommended that the existing hedgerows on the site should be retained in situ with a buffer zone of 5 metres to be managed as a rough grassland strip.

Badger

Given the previous records of badgers in the wider area and the potential suitability of the hedgerows on the site for future sett-excavation, it is recommended that any ground works are preceded by an up-date check for badger setts by a suitably qualified ecologist. If setts are present, it may be necessary to undertake mitigation measures to ensure legal compliance and to minimise the potential for adverse effects on this species.

Conclusions

Based on the proposed development layout and with reference to Paragraph 118 of the NPPF6 and the Guidelines for Ecological Impact Assessment in the UK, it is concluded that the proposed development is not likely to result in significant harm to biodiversity or to result in significant biodiversity impacts at the local level.”

The content of the Assessment has been considered by the Council's Ecologist who has confirmed that the 2km search area is acceptable as it is consistent with that of the wind farm planning application. It is regrettable that small areas of existing hedgerows need to be removed to facilitate the proposed development, however their replacement planting on a minimum 2:1 ratio is considered to be appropriate mitigation and will be secured via a planning condition.

Having regard to the above it is accepted that any biodiversity enhancements would be limited to replacement hedgerow planting, however it is considered that this planting and established management regime (created through the wind farm development) would ensure an acceptable level of ecological enhancement of the site in accordance with Paragraph 118 of the NPPF and Policy CS20 'Biodiversity and Geodiversity'.

Impact upon the setting of heritage assets

Policy CS23 'Valuing the Historic Environment' seeks to conserve, enhance and manage Rotherham's historic environment.

There are 2 Scheduled Ancient Monuments that fall within the zone of theoretical visibility (ZTV) area as defined in the LVIA, these include Castle Hill Motte and Bailey Castle approximately 3.9km to the north east of the site at the closest point and Slade Hooton Medieval Settlement and Moated Site approximately 5km to the north east.

182 listed buildings and features of all grades fall within the 5km study area defined in the LVIA. Of the listed buildings within 5km, 4 are listed at Grade I, all parish churches; 8 are listed as Grade II* and the remainder are Grade II. Of the Grade I and Grade II* listed buildings within the 5km study area, no Grade I listed buildings are located within the ZTV and 4 Grade II* listed buildings are located within the ZTV of the development. These are Morthen Hall located in Morthen to the north of the M1/M18 junction, approximately 2.4km north of the site at the closest point and Slade Hooton Hall, medieval settlement and moated site, comprising 3 listed buildings and features including: Slade Hooton Hall; Stable and Remains of Attached Barn immediately to south-west of Slade Hooton Hall and; Wall Enclosing Front Garden to Slade Hooton Hall including attached Gate piers and Gateway located at Slade Hooton approximately 5km to the north-east of the site at the closest point.

The LVIA considers the effects of the development on the aforementioned heritage assets and concludes that the magnitude of the effect is 'Negligible' in all cases, generally due to the intervening vegetative and built screening and the undulating nature of the landscape. Having regard to this it is accepted that there would be no impacts on these buildings from the development and as such they would not be materially harmed by the development in accordance with the provisions of Policy CS30 'Valuing the Historic Environment'.

In addition to the above, Ulley Village was designated as a Conservation Area on 4th Feb 2013. The designation extends along Main Street up to the intersection with Penny Hill Lane and southwards along Turnshaw Road.

The application site lies to the south west of the Conservation Area and as stated in preceding paragraphs is well contained due to screening provided by vegetation and landform. From Ulley Village, visibility is limited and is represented in 2 of the viewpoints (Ulley Farm & Ulley footpath and properties to the east of Ulley). These viewpoints and associated photomontages provide a visual representation of the development when viewed from the 2 vantage points within the Conservation Area and demonstrate that there will be limited views of the solar farm. Having regard to this, the impact of the development on Ulley Conservation Area is considered to be minimal and in accordance with Policy CS 28 'Sustainable Design' which takes into account heritage, townscape and landscape character including the height, scale, massing, density, layout, building styles and materials of the built form particularly (but not exclusively) within and adjacent to Conservation Areas.

The Use of Agricultural Land

The NPPF, paragraph 112, advises the following.

"Local Planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of high quality".

In addition, the National Planning Practice Guidance – 'Renewable and low carbon energy' gives a list of factors that a local planning authority will need to consider. It looks to encourage large scale solar farms on previously developed land and non-agricultural land. It states that where a proposal involves greenfield land, consideration should be given as to whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and / or encourages biodiversity improvements around solar arrays.

The Design and Access Statement submitted in support of the application explains how the site was selected. It confirms that finding a location in close proximity to a grid connection with sufficient generation availability is a key requirement for solar developments. The national grid network is constrained in many places and large areas of the country have no available capacity. The opportunity to utilise a grid connection already installed for a wind farm presents an opportunity to achieve a viable project in an efficient manner.

Penny Hill Wind Farm was identified as an excellent candidate site for a Solar-Wind development in a Feasibility Study exercise undertaken for the applicant in late 2014. The central design principle behind the Proposed Development is the requirement for a site in close proximity to the Penny Hill Wind Farm grid connection point to enable a technically and economically feasible development.

A desk top assessment formed the first stage of the solar farm site selection process. This set a search area boundary of 1.5 km from the wind farm substation, reflecting a financially viable cable connection distance. The area of search includes the wind farm study area which benefits from having been assessed in

detail for the production of an Environmental Statement (ES) in 2009 and is subject to ongoing annual ecological monitoring surveys.

Following identification of the search area further technical, operational and environmental factors were considered to select the strongest site and confirm its suitability, namely:

- Impact on openness of Green Belt;
- Appropriate access route for construction traffic;
- Site orientation and topography;
- Existing boundary vegetation;
- Ecology; and
- Soils.

The assessment of these factors concluded that the proposed site was the strongest to progress. The site is over 900m from the grid substation but achieves the lowest impact with respect to the constraints outlined above and is considered a strong site. The site is located over 900 m from Ulley village and the rising topography to the south screens the site from other villages including Aughton and Swallownest. The site is also well contained by existing boundary vegetation and topography and is located in close proximity to the M1. This aims to reduce the impact on the openness of the wider area, and the Landscape and Visual Impact Assessment confirms the solar farm will not result in a prominent impact on the openness of the Green Belt. The chosen site benefits from being located in close proximity to an existing wind farm access track. Only a short section of new track is therefore required to reach the centre of the site, reducing the environmental impact of the scheme.

In addition to the above findings a Soils and Land Classification Assessment has been carried out which confirms that 1.6ha (29% of the site) is identified as Subgrade 3a (good) Best Most Versatile whilst the remaining 4ha (71% of the site) is identified as Subgrade 3b (moderate) as defined by the NPPF which includes grades 1, 2 and 3a as being the best and most versatile land (BMV).

In this regard, the applicants acknowledge that the development would result in the temporary restriction of use of 1.6ha of BMV agricultural land as it would not be available for its current crop of arable production during the operational phase. However the development allows for continued agricultural use as the design enables safe grazing of sheep which are currently farmed for their wool and meat on nearby land by tenant farmers. It is acknowledged that it is possible for this to occur, however, the local planning authority cannot enforce the grazing of sheep on the land. Therefore, if the sheep were removed from the land altogether through welfare or other factors (such as interference with the solar infrastructure), this continued agricultural use of the land would cease. Little weight to the potential for sheep grazing on the land is therefore given. It is however accepted that the development would not take the land out of arable production permanently and the site will be reverted to arable use upon decommissioning.

With regard to guidance on BMV land, a Written Statement to Parliament was stated in the House of Commons on 25th March 2015. This constitutes an additional material consideration as it is an updated view of the Government on the

issue of solar farms involving best and most versatile agricultural land. The Statement to Parliament reads as follows:

“Solar energy: protecting the local and global environment:

The National Planning Policy Framework includes strong protections for the natural and historic environment and is quite clear that local councils when considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.

Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.

We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations”.

This wording, particularly the key wording of, “any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence”, is not formally changed as such in either the NPPF or the National Planning Practice Guidance – Renewable and low carbon energy.

In an attempt to assess the suitability of the site for development it was considered that the applicant had not provided ‘compelling evidence’ to justify the proposal and as such four previously developed / non-agricultural sites were identified for consideration as possible solar farm sites within the Borough. The applicant was asked to consider these sites as an alternative to the application site. All of which are located within the Green Belt but not on BMV land.

These sites were identified as:

1. Warren Vale Landfill Site
2. Meadowbank Landfill Site
3. Thurcroft Colliery Tip
4. Maltby Colliery Tip

An exercise to assess the suitability of these sites for the delivery of a technically and economically viable solar farm project was undertaken by the applicant. A summary of the assessment is provided below:

Warren Vale :

- Risk of damage to integrity of cap from pile foundations;
- adjacent to residential properties;
- connection to grid not economically viable;
- split ownership;
- 2 public footpaths cross the site; and
- allocated as Green Belt

Meadowbank:

- Risk of damage to integrity of cap from pile foundations;
- visually prominent site;
- connection to grid economically unviable;
- site unavailable;
- permission for full restoration by 2023; and
- installation of public art (Man of Steel) approved, Located in Green Belt.

Thurcroft:

- Former coal mine and landfill,;
- pile driven foundations not possible;
- remaining restoration expensive;
- well screened site;
- connection to grid not economically viable;
- site unavailable;
- planning permission for non-inert waste control; and
- located in the Green Belt.

Maltby:

- Complicated restoration including importing mine runoff fines with large parts currently being restored;
- close proximity to housing;
- Limited potential for ecological benefits;
- grid capacity likely to be required in near future by existing coal bed methane operation;
- complicated ownership;
- permission for minerals waste management, coal bed methane operation; and
- Located in Green Belt

The applicants have accompanied this assessment with a statement which states: *“Achieving an economically viable solar photovoltaic project is increasingly challenging following recent Government announcements on cuts to the Feed-in Tariff (FIT) and Renewables Obligation Certificate (ROC) subsidy regimes. This has impacted on the viability of many projects currently at the development stage. To ensure new solar generation continues to be deployed, it is imperative that economically viable sites are progressed. The Penny Hill site presents the opportunity to utilise an existing grid connection, substation building and management facilities and it is considered that this should be prioritised.*

Land availability is also an important consideration in both site finding and ongoing management of solar farm sites. The existing land agreements and landowner relationships developed over almost ten years of engagement for Penny Hill Wind

Farm enable the delivery of a viable lease agreement and reliable site management during the operational phase.

This assessment demonstrates the range of constraints to the delivery of solar farms on previously developed sites. The Penny Hill site has been identified following detailed feasibility studies and environmental assessment. It has been designed to achieve a combined Solar-Wind Scheme with minimal additional environmental effects and high reversibility. It is considered an excellent opportunity to deliver a 5 MW solar installation in Rotherham Borough”.

In this context, and notwithstanding the weight that should be attributed to the Written Statement to Parliament, it is considered that the application has justified the use of the necessary higher quality agricultural land in this case. It is acknowledged that finding a suitable location for a solar farm is difficult and all of the sites provided by the Local Authority for assessment lie within the Green Belt albeit on land that is not defined as Best Most Versatile. Having regard to the above and in the absence of any local authority assessment of the Borough’s overall capacity to accommodate renewable energy, the applicant’s assessment is accepted in that the sites put forward are not suitable for a solar farm development at this time. This is accepted as compelling evidence.

Impact upon the living conditions of nearby residential occupiers

The application site is located within the open countryside with surrounding residential development being sparse in nature. The nearest residential property is around 400m away from the edge of the development site, with Ulley village being approximately 900m to the north west. Owing to the relatively shallow projection above ground, of the development and the limited output in terms of noise emissions, it is not considered that the proposal would have a significant adverse impact on neighbouring property and as such the proposals are considered to be in accordance with the provision of UDP Policy ENV3.7 ‘Control of Pollution’.

Highway Considerations

A chapter considering traffic and highways implications has been included within the supporting Planning Statement. This confirms that some 70 No. HGV loads are anticipated for the delivery of the solar panel components and provision of site infrastructure (140 vehicle movements in total). These are likely to be distributed over a period of some 12-16 weeks and no abnormal loads are involved. All construction traffic will utilise the access route used previously by wind farm construction traffic and will minimise disruption by avoiding local settlements. The route will leave the M1 at Junction 31, running eastbound on the A57 to Todwick Roundabout, turning left onto the B6463/Todwick Road, then following Pocket Handkerchief Land and Long Road before turning left onto Penny Hill Lane to the wind farm entrance. No construction vehicles are proposed to be routed through Ulley Village.

The issue of possible glare/distraction to motorists, notably along the nearby M1 Motorway, is addressed in the applicant’s supporting statement. This concludes that intervening vegetation will screen views of the site such that the magnitude of impact is assessed as “negligible to low”. The potential for glint and glare as a source of distraction to motorists has also been considered. The report points out

that less than 9% of total incident visible light is reflected and concludes that the proposal...*"will not cause unacceptable adverse effects to highway safety"*.

The Council's Transportation Unit have been consulted on the proposals and have raised no objections from a highway aspect subject to a condition safeguarding the submission of a construction traffic plan which would include information relating to the type and number of HGV movements on a daily basis, the routing of HGV's and proposals for the off-loading and storage of materials on site.

Having regard to the above, it is not considered that the proposal would result in highway safety concerns or inconvenience, such as to recommend refusal on this basis.

Whether there are any very special circumstances which would outweigh the harm caused by way of inappropriateness, any harm to openness of the Green Belt, and any other harm.

Paragraph 91 of the NPPF explains that the "very special circumstances" necessary to justify inappropriate development in the Green Belt may include the wider environmental benefits associated with increased production of energy from renewable sources.

The proposed solar farm would produce a clean, renewable and sustainable form of energy. The applicant has confirmed that the proposal would generate and export 5 MW of electricity to the National Grid each year, which is the equivalent to the annual use of 1,320 households. This is a significant amount of energy and Paragraph 98 of the NPPF recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In addition, the proposed development would assist in meeting local and national targets and aspirations concerning the source of energy from renewable sources, and help to mitigate climate change. These are important environmental benefits and should carry substantial weight in the determination of this planning application.

The retention and infilling of hedgerows are proposed, as well as the introduction of grass beneath and between the solar panels, which would allow small livestock to graze and provide related ecological benefits. However the lack of ability through the planning system to secure grazing on the site and in the absence of any detailed information quantifying the nature and extent of any net biodiversity gain, and how it would be maintained, mean that only limited weight can be given to this perceived benefit.

The applicant also confirms that the proposed development would deliver community benefits, in the form of payments of £5,000 per annum. These payments align with the previous community benefit scheme that was established as part of the wind farm development. This however was not secured through a Section 106 Agreement as it did not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010, which provides that a planning obligation may only constitute a reason for granting planning permission if it is "necessary to make the development acceptable in planning terms". In these circumstances, no weight to the proposal to make annual financial contributions can be given in the determination of this planning application. The applicants are however in the

process of updating the existing Unilateral Agreement which will ensure the financial contributions are secured.

Having regard to the above, the extent of the benefits in this instance is limited to the provision of renewable energy as set out in Paragraph 98 of the NPPF, albeit a significant one, and the environmental benefits set out above clearly carry substantial weight. Weight is also attached to the fact that the proposed development will utilise the existing grid infrastructure installed to accommodate the existing Penny Hill wind farm development and as such limited additional infrastructure is required which aids the economic benefit of the development. A small amount of additional weight is also attached to any potential for ecological benefits.

However, it is also important to bear in mind the NPPG, which advises that the need for renewable or low carbon energy does not automatically override environmental protections, and that renewable energy developments should be acceptable for their proposed location. Substantial weight is given to the fact that the proposal constitutes “inappropriate development” which is, by definition, harmful to the Green Belt; additional and substantial weight to any harm it would cause to the openness of the Green Belt and the character and appearance of the area.

It is clear that the proposed solar farm would impact upon the openness of the Green Belt, however due to the containment of the site and existing man made features in close proximity to the west, north and east, the addition of the solar farm would not be considered to result in having a significant impact.

In conclusion, the development would have limited harm upon the openness of the Green Belt, by reason of encroachment, as a result of the fields proposed being well screened as existing, together with enhanced screening measures proposed. There would also be limited other harm, with the development having minor visual impact upon the immediate and wider landscape. The use of best and most versatile agricultural land (3a good) would be for only 29% of the site, with the need sufficiently demonstrated due to the lack of other unconstrained land comprising poorer quality and, the agricultural use would not be permanently lost. There would be no other material harm from the development, as discussed in the above sections.

It is considered that the very special circumstances put forward with the application of providing renewable energy for some 1320 homes; contributing to the UK targets for reducing carbon emissions, thus reducing reliance upon fossil fuel energy sources and increased national self-sufficiency of energy production, clearly outweigh the limited resulting harm upon the openness of the Green Belt and any other harm from the development. That being the case, the proposal is considered acceptable when assessed against the criteria of Core Strategy Policy CS4, and the “very special circumstances” needed to justify granting planning permission for inappropriate development in the Green Belt exist as set out in the NPPF.

Other Matters

Condition 1:

At the request of the applicant Condition No. 1 requires the commencement of development before the expiration of 5 years, instead of the usual 3 years. This request has been made following changes to the Government subsidy regime that has been announced since submission of the application. This has led to uncertainty in the industry, and whilst the Penny Hill site does benefit from existing grid assets and infrastructure, greater flexibility on the timescale may be useful to the applicant to ensure the delivery of the most viable scheme. For example, it is unknown how panel prices may now react over the next year or two. Alongside this, solar panel technology, including the potential for electricity storage, may develop significantly in the next few years. The longer time period would therefore increase flexibility and help to ensure the most effective development of the site.

Conclusion

The proposed solar farm would constitute inappropriate development in the Green Belt by reason of encroachment into the countryside. However, very limited harm upon the overall openness of the Green Belt has been identified, due to its secluded and naturally well screened characteristics. Furthermore, Paragraph 98 of the NPPF states *"when determining planning applications, Local Planning Authorities should, ...approve the application if its impacts are (or can be made) acceptable"*. In this case, the impact mitigation measures proposed, which would be secured by planning conditions, are considered satisfactory.

The need to use a mixture of grade 3a and 3b agricultural land has been sufficiently demonstrated, given the lack of any other feasible site of poorer quality land.

It is considered that the wider environmental benefits and very special circumstances of principally renewable energy production and preserved site biodiversity would, in this particular case, outweigh the limited identified harm upon the Green Belt, and any other harm resulting from the development.

The proposal is therefore considered to be in accordance with policies and guidance contained within the adopted Core Strategy, UDP and NPPG and, the National Planning Policy Framework.

Conditions

General

01

The development hereby permitted shall be commenced before the expiration of five 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 site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set

out below)

- PA01 Location Plan
- PA02 Application Boundary
- PA03 Site Layout
- PA05 Indicative Elevations and Panel Arrays
- PA06 Indicative on site Track Design
- PA07 Indicative Details of Inverter Units
- PA08 Cable Trench Plan
- PA09 Indicative Fencing Plan
- PA12 Outline Biodiversity Management Plan

Reason

To define the permission and for the avoidance of doubt.

03

The Planning Permission hereby granted will commence from the date of this permission and expire 23 years after the first export of electricity from the site or from the expiration of the Penny Hill Wind Farm permission, whichever is the sooner. Written confirmation of the first date of commencement of electricity export shall be provided to the Local Planning Authority within one month of the event.

Reason

To ensure the development is temporary in nature and remains in accordance with Policies CS4 'Green Belt', CS20 Biodiversity and Geodiversity', CS21 'Landscape' and CS30 'Low Carbon and Renewable Energy Generation'.

Decommissioning

04

No later than twelve months prior to the date on which the planning permission hereby granted expires, a scheme detailing the proposed programme of restoration of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the programme for removal of the solar farm infrastructure as indicated on the approved plans and shall be fully implemented with twelve months of the expiry of this permission.

Reason:

To ensure suitable decommissioning of the site in a timely manner at the end of the operational life. Suitable restoration is required to ensure the development remains in accordance with Policies CS4 'Green Belt', CS20 Biodiversity and Geodiversity', CS21 'Landscape' and CS30 'Low Carbon and Renewable Energy Generation'

05

If any solar panel fails to produce an electricity supply to the local grid for a continuous period of 6 months then it will be deemed to have ceased to be required and, unless otherwise agreed in writing by the Local Planning Authority, the solar panel and its ancillary equipment shall be dismantled and removed from the site and the site restored in accordance with a scheme to be submitted to and approved in writing by the Council as planning authority.

Reason:

To ensure suitable decommissioning of the site in a timely manner at the end of the operational life. Suitable restoration is required to ensure the development remains in accordance with Policies CS4 'Green Belt', CS20 Biodiversity and Geodiversity', CS21 'Landscape' and CS30 'Low Carbon and Renewable Energy Generation'

Layout and Appearance

06

Development shall not commence until a finalised Site Layout plan showing, in detail, the location of the panel arrays (up to a maximum of 18,280) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To define the scheme in the interests of landscape and visual impacts in accordance with Policies CS30 'Low Carbon and Renewable Energy Generation' and CS21 'Landscape'.

07

Development shall not commence until details of the solar panels, including make, model, design, external finish and dimensions, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so retained for the lifetime of the project unless otherwise agreed in writing by the Local Planning Authority.

Reason

To define the scheme in the interests of landscape and visual impacts in accordance with Policies CS30 'Low Carbon and Renewable Energy Generation' and CS21 'Landscape'.

08

Development shall not commence until details of the track design have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason

To define the scheme in the interests of landscape and visual impacts in accordance with Policies CS30 'Low Carbon and Renewable Energy Generation' and CS21 'Landscape'.

09

Development shall not commence until details of the inverter/transformer units, including, make, model and external finish, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason

To define the scheme in the interests of landscape and visual impacts in accordance with Policies CS30 'Low Carbon and Renewable Energy Generation'

and CS21'Landscape'.

10

Development shall not commence until details of the security fencing, including design and dimensions, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason

To define the scheme in the interests of landscape and visual impacts in accordance with Policies CS30 'Low Carbon and Renewable Energy Generation' and CS21'Landscape'.

11

All electrical cabling between the solar farm inverter/transformer units and Penny Hill Wind Farm grid substation building shall be located underground. The ground excavated is to be returned to its original condition within six months of installation of the cabling.

Reason

To minimise landscape and visual impacts of the scheme, in accordance with Policies CS30 'Low Carbon and Renewable Energy Generation' and CS21'Landscape'.

Construction Activity

12

Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include, but not be restricted to, working practices and phasing related to the installation of solar panels, inverter/transformer units, tracks, hard standing, and cables. The statement will detail measures to protect soils on site, and restoration of the site construction compound area and associated temporary features, which should be removed within 6 months of the first date of commercial electricity export. The development shall be carried out in accordance with the approved scheme thereafter.

Reason

To define and ensure adequate control of activities during the construction phase and impacts on the surrounding area, in accordance with Policy CS30 'Low Carbon and Renewable Energy Generation'

13

No construction activity, including delivery of materials to site, will take place outside the following hours unless otherwise agreed in writing by the Local Planning Authority. a) Monday – Friday 7.00 – 18.00 hours b) Saturday 8.00 – 13.00 hours

Reason:

To minimise the impact of construction activities and traffic on local amenity, in accordance with Policy ENV3.7 'Control of Pollution'.

Construction Traffic

14

Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of;

- a) The type and number of Heavy Goods Vehicle movements on a daily basis
- b) Routing of Heavy Good Vehicles to site
- c) Proposals for the off-loading and storage of materials on site

Reason

In the interests of road safety, to ensure the development is in compliance with Policy ENV3.7 'Control of Pollution'.

Landscape

15

Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policy CS21 'Landscape'. UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

16

Landscaping of the site 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 and in accordance with Policy CS21'Landscape', UDP Policies ENV3 'Borough Landscape', , ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

Ecology

17

Checking surveys for badgers will be carried out within 1 month prior to works commencing on site to ensure no badger setts have been established. If setts are identified on site, no works shall be carried out until an impact assessment and suitable mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be undertaken in accordance with the approved scheme.

Reason

To conserve protected species and their habitat in accordance with Policy CS20 'Low Carbon and Renewable Energy Generation' Policy CS21'Landscape', UDP Policies ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

18

All vegetation clearing shall avoid the bird breeding season (March to August inclusive), unless a checking survey by an appropriately qualified ecologist has confirmed that no active nests are present immediately prior to the works. Any active nests found will be retained in situ undisturbed until no longer active

Reason

To conserve protected species and their habitat in accordance with Policy CS20 'Low Carbon and Renewable Energy Generation' Policy CS21'Landscape', UDP Policies ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

19

Development shall not commence until a finalised Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall detail new hedgerow planting and the proposed management of the site including hedgerow and grass maintenance during the operational phase. Any new hedgerow planting shall be undertaken in the months November to February inclusive and subject to a minimum maintenance period of five years. The development shall be carried out in accordance with the approved scheme thereafter.

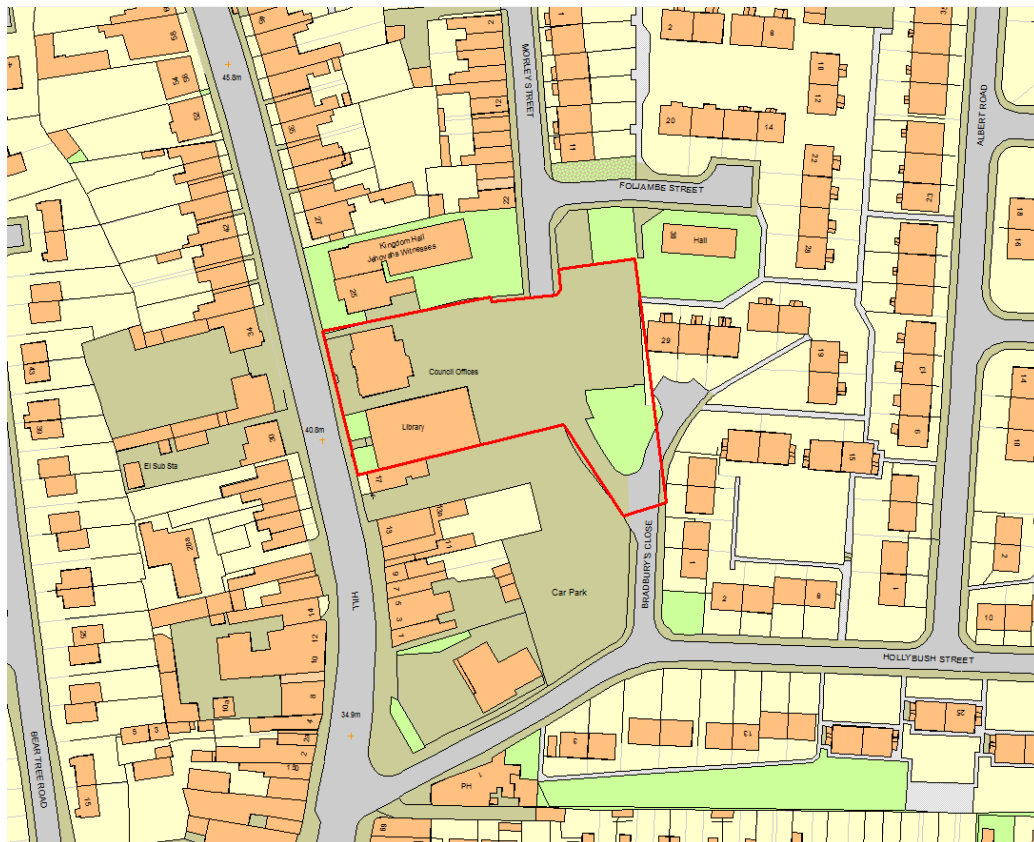
Reason

To define the maintenance of the site during the operational phase, and ensure biodiversity is protected and enhance where opportunities exist, in accordance with Policy CS20 'Low Carbon and Renewable Energy Generation' Policy CS21 'Landscape', UDP Policies ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

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	RB2015/1169
Proposal and Location	Change of use of former library, former Council offices and erection of a three storey building to form a residential institution (Use Class C2) at Rawmarsh Hill, Parkgate. S62 6DS
Recommendation	Grant subject to conditions



This application is being presented to the Planning Board due to the number of objections that have been received (47 and a 250 signature petition).

Site Description and Location

The application site refers to the former Rawmarsh Council Offices and the former Rawmarsh library which lie on the eastern side of Rawmarsh Hill to the north of the main retail centre of Parkgate. The site is approximately 0.3 hectares in size and generally level. The only vehicular access into the site is from Bradbury's Close to the south. To the north-west of the site there is a pedestrian path from Rawmarsh Hill that is enclosed by 2m high walls, though this is not adopted. In addition there is another un-adopted pedestrian access into the site to the south of the library. The area to the north and east of the site is predominantly residential with the western and south-western sections of the site fronting Rawmarsh Hill having commercial and mixed uses more closely linked to the retail and commercial centre of Parkgate.

Background

The site has the following planning history:

RB1982/1052 – Erection of 5 garages – granted

RB2006/0151 – Formation of access ramps – granted

Proposal

The proposal is to convert the site from a community use into a residential institution. The individual elements can be summarised as follows:

- Conversion of former office building into a total of 6 individual residential units with a managed office area at ground floor level. The office staff will manage the site as part of the housing association.
- Conversion of previous library building into shared residential accommodation with 9 bedrooms.
- It is also proposed to erect a three storey block of flats in the rear (eastern) section of the site. This would be for a total of 12, 2 bedroomed individual flats with 4 units on each floor.
- The proposal will also have a shared amenity area to the north with hard and soft landscaping and also has 15 parking spaces incorporated within the site.

The applicant has provided a supporting statement indicating how the use will operate:

- The scheme is provided by Action Housing and Support Ltd. a registered social landlord.
- The scheme involves short-term and intensive interventions focusing on the needs of young Rotherham people.
- On-site staff will be available to help all residents to access mainstream services, plan for move on and to manage any anti-social behaviour.
- Support staff will check in regularly to evaluate progress, ensure tasks and goals remain appropriate and offer advice. Tenancy agreements for the whole site will contain a condition that people accept support to engage or re-engage in work or education if they lose their employment, or finish or are excluded from a course.

- By the time that a young person has spent up to two years in the scheme, they should be fully ready for independent living and require minimal support.
- The Neighbourhood Office, 'Stage One', will provide 6 supervised units for up to 3 months. This will be for those young people who require the highest care and who will benefit from the presence of staff nearby, or who need to make the most adjustments in order to be ready to live independently in shared accommodation in order to participate in education, employment or training.
- The Library, 'Stage Two', will provide 9 units, designed as interim move on accommodation where young people can live for up to 9 months in shared accommodation. The unit will benefit from the regular presence of staff in the next-door building, but is designed to be more independent, with lower levels of supervision.
- Land to the rear of the existing buildings will be used to create 'Stage Three' – a three storey block housing 24 young people in 12 x 2-bedroom shared flats.
- Young people will be able to live within the scheme for a maximum of two years. This is designed to give support to allow truly independent accommodation, with the young people living here fully engaged in education, employment and training and able to live effectively in shared accommodation.
- Living space will be designed to support study, with quiet areas and desk space.

The applicant has also indicated that the aims of the project are “To assist Rotherham Metropolitan Borough Council ("RMBC") Homelessness Department by the provision of temporary accommodation and give support to persons who are homeless and who have been assessed by RMBC to require short term supported housing. This supported housing environment will enable them to move on to permanent, secure accommodation by supporting them to develop independent living skills.”

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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for a split community facilities/retail allocation purposes in the UDP, though the majority of the site is considered to be within the community facilities allocation. The western section of the site is also on a Prime Shopping Street, though Forward Planning have indicated that the site is edge of centre. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS28 'Sustainable Design'

CS14 Accessible Places and Managing Demand for Travel

Unitary Development Plan 'saved' policy(s):
ENV3.7 Control of Pollution
HG4.3 'Windfall Sites'
HG5 'The Residential Environment'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

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

Publicity

The application has been advertised by way of a site notice (10 September 2015) along with individual neighbour notification letters to adjacent properties (08 September 2015). A total of 47 objections have been received and can be summarised as follows:

- This will not be a secure residential home with future residents unsupervised for most of the time.
- Likely further increase in drug use, crime and general anti-social behaviour to the area.
- This is not the correct area for such a development. There are a high proportion of existing elderly and vulnerable residents who would be adversely affected.
- A number of the objections relate to the likely behaviour of the proposed tenants and how they would be managed.
- No objection to the principle of construction of Affordable Housing.

In addition a petition of approximately 250 signatures has been received and again re-iterates concerns about the character and motives of future tenants.

2 Rights to Speak have been received.

Consultations

Neighbourhoods (Environmental Health) – no objections subject to condition

Streetpride (Transportation and Highways) – no objections subject to conditions

Streetpride (Public Rights of Way) – no objections as there are no recognised rights of way or claims across the site

Neighbourhoods (Affordable Housing Officer) – supports the development

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 this application are as follows:

- Principle
- Design and Visual Amenity
- Residential Amenity
- Highways Issues
- Other Considerations

Principle

The site has a split Community Facilities/Retail use though the majority of the site falls within the community use and fronts Rawmarsh Hill. The retail allocation is on the eastern section of the site has not previously had built development on it and is currently used as an informal parking area. The western section of the site is located on a Prime Shopping Street. However, this allocation is considered to be outdated and the site is now considered to be edge of centre. Both of the previous community uses (Council Office and library) have been re-located to the Rawmarsh Customer Service Centre on Barbers Avenue and as such the site is no longer required for community purposes. The Affordable Housing Officer has indicated that there is a need for this form of affordable supported residential development within the area and supports the proposed use.

In the absence of any community proposal, a residential use is considered to be a more preferable option to retail or commercial development on this edge of centre site, and the principle of the scheme for a C2 use is considered acceptable. In addition, the buildings are more suited to a residential conversion.

Design and Visual Amenity

The existing office buildings and the library fronting Rawmarsh Hill have no external alterations and will retain the same visual appearance as existing. A small number of alterations to the windows of the rear section of the library building in order to facilitate the creation of living accommodation to this block is proposed but this does not affect the character of the building itself. These buildings have not been considered to be of sufficient significance to be formally listed, however they are considered to be of a high quality appearance that contribute to the character of Rawmarsh Hill and the immediate surroundings. Their retention is therefore

welcomed and the minimal changes proposed will retain the high quality appearance in accordance with Core Strategy CS28 'Sustainable Design.'

The new proposed three storey building is a contemporary brick-built, rendered structure with an acceptable proportion of brickwork, render and glazing. The majority of the recessed areas will have a render finish with the building ends having a mainly red-brick finish. The design also has small scale entrance features at ground floor level in order to break up the overall building mass. In terms of its overall visual appearance on the street scene and on the surroundings, the proposal is considered to have a modern design that is in keeping with the predominantly brick built residential surroundings. There are bungalows immediately adjacent it but these are at a slightly higher land level which reduces this difference in scale between the proposed block and the existing dwellings.

Residential Amenity

The proposal is for a conversion of the existing building and the erection of a three storey building to form a residential institution (Use Class C2) which falls within the residential category of development. The surrounding area is a mixture of residential and commercial properties and there is a busy main road to the front of the buildings. The use of this site for residential purposes will not cause any undue noise disturbance to the occupiers of neighbouring properties above that which already exists within the area and is therefore in accordance with ENV3.7 Control of Pollution, HG4.3 'Windfall Sites' and HG5 'The Residential Environment'.

The proposed three storey block is located to the side of the existing bungalows on Bradbury's close but due to the positioning of this new building will not result in any overshadowing or overdominance to the occupiers of these existing properties. The block will be 4m away to the side and does not go beyond a 45 degree line measured from any existing windows. No habitable room windows are proposed on the side elevation and as such there will be no loss of privacy to these existing dwellings.

The Environmental Health Department have examined the future residential amenity of the creation of the new dwellings. They have recommended that a condition be imposed in order to restrict noise levels within the new units.

In this instance, the majority of the external noises are likely to be generated by vehicular traffic on Rawmarsh Hill which becomes primarily residential approximately 30m to the north of the site with occupiers of these long-established properties also fronting direct onto Rawmarsh Hill. It should also be noted that a change of use to residential of the existing buildings could, in isolation be done via prior approval, not requiring full planning permission. Overall therefore, the proposal is considered to meet the criteria outlined in UDP Policy ENV3.7 Control of Pollution and HG5 'The Residential Environment and it is not considered reasonable that full noise mitigation measures as requested by Environmental Health could be imposed through condition.

Highways Issues

The site is accessed to the south by a single point of vehicular access from Bradbury's Close. The Transportation Unit have indicated that whilst the proposed

parking provision is slightly less than that usually required, they have not raised any objections to this aspect of the proposal bearing in mind the sustainable location of the site in transport terms. Accordingly, subject to conditions the proposal is considered to be acceptable in terms of highway safety and capacity of the surrounding area.

Other Considerations

A number of the objections raise concerns about the future behaviour of tenants along with how the client base will be selected. The applicant has provided further supporting information on this element and has confirmed that the site would be licensed by the Care Quality Commission. The site would be subject to on-site management with clients given appropriate 24hour supervision where necessary. The ages of clients would be between 16-25 only and would be from referrals from RMBC through the single point of entry system, these will then be assessed by the applicant and then allocated but are ultimately controlled by RMBC.

Day to day management will be from 0800hrs until 2100hrs with a day team of support workers on duty, this will be a rota type system and will consist of a Service Manager, a supervisor support worker and 4 support workers. After 2100hrs there will be 2 night support workers on duty. All these workers will have an Area Manager looking after all Rotherham projects.

A draft Licence Agreement has been submitted that all future tenants would have to sign prior to occupation. This includes, amongst other things, that no visitors under 18 are allowed at any time and other visitors must not be present between the hours of 11pm and 9am. No consumption of any alcoholic products is permitted and it is a requirement under the Licence that the Licensee remains abstinent from alcohol for the duration of the licence.

Taking into account the objections received, predominantly on the grounds of the potential unsociable behaviour of future tenants and the incompatibility with the older peoples managed accommodation on an adjacent site, it is considered that as the facility would be subject to stringent control and to appropriate local and national regulations that there would be any conflict with neighbouring uses or that it would cause harm to the amenities of occupiers of nearby properties. Subject to the scheme being adequately managed, as indicated within the licensing agreement, it is considered that the facility would conform to the general advice within the NPPF and policies within the Core Strategy and UDP.

Conclusion

The site has been vacant for several years and the community facilities that were previously provided here have been re-located to the CSC building along Barbers Avenue. Residential re-development is considered an appropriate use in this edge-of-centre location and the design would retain the original building features along the principal elevation facing Rawmarsh Hill. The new detached block 3 is of a modern brick and render design and is considered to be in keeping with the predominantly residential surrounding areas.

Regarding the objections received on grounds of the selection criteria and management of future tenants, with appropriate on-site management this issue is considered to be satisfactory.

The application is therefore recommended for approval subject to conditions.

Conditions

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 site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Drawing numbers – location and Floor Plans r/15/03 Rev A, r/15/10 Rev a, amended block 3 layout and elevations r/15/11 Rev b, amended library elevations r/15/12)(received 03/09/15, 06/10/15 and 02/11/15)

Reason

To define the permission and for the avoidance of doubt.

03

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development 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 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 and in accordance with Core Strategy CS28 'Sustainable Design'

04

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 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 and in accordance with UDP Policy HG5 'The Residential Environment'.

05

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

Reason

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

06

Prior to the development being brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

07

The premises shall be used for a residential institution only (Use Class C2) and shall be managed as a supported housing facility as detailed in the Licence Agreement (received 10.11.15) and for no other purpose (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987).

Reason

In the interests of residential amenity as the premises are not considered suitable for general use within the Class quoted.

08

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is brought into use

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy CS28 'Sustainable Design.'

09

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure

healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

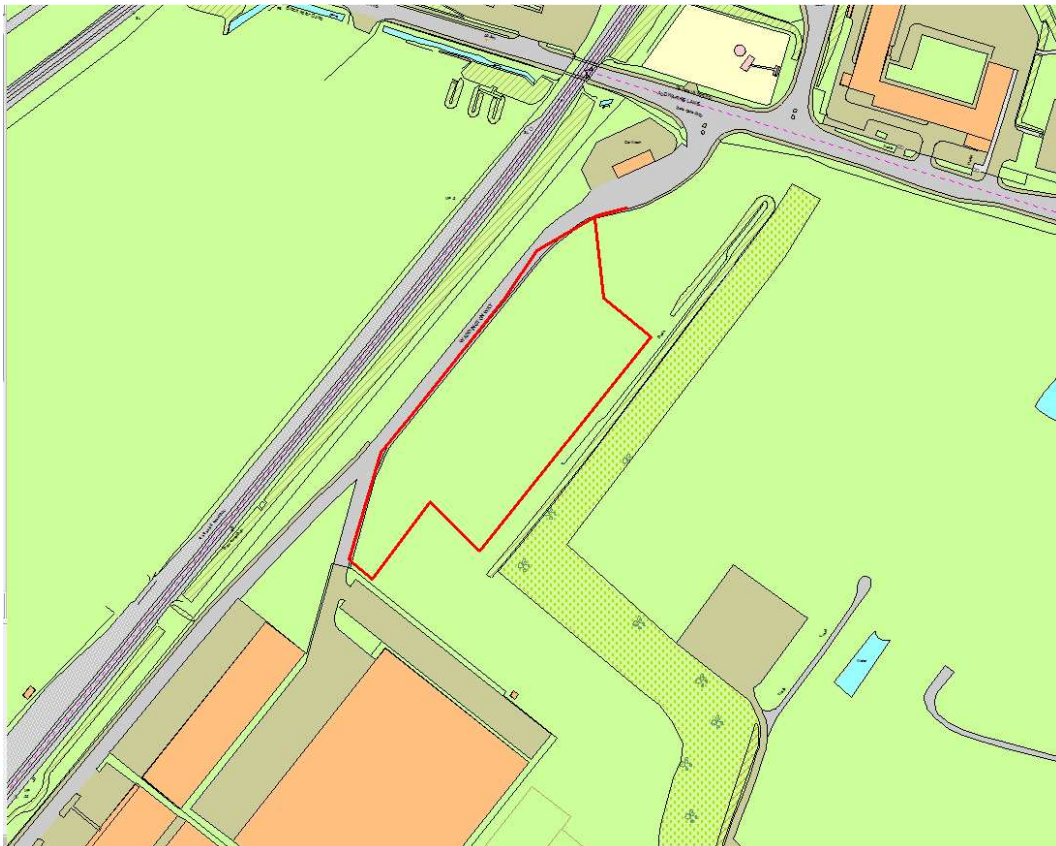
Reason.

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy CS28 'Sustainable Design'

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2015/1172
Proposal and Location	Erection of building for use within classes B1(b) research, B1(c) industrial process, B2 general industrial and B8 storage or distribution, and enlargement of existing surface water balancing pond (Building 10), land at Waddington Way, Aldwarke. S65 3SR
Recommendation	Grant subject to conditions



This application is being presented to the Planning Board as it does not fall within the scheme of delegation for major development.

Site Description and Location

The application site consists of a vacant plot to the north-east of the existing industrial estate on Waddington Way. The land surrounding the application site comprises of large scale modern industrial warehouse buildings.

The River Don/Sheffield and South Yorkshire Navigation Canal lies approximately 400m south of the site and Aldwarke Road approximately 100m to the north-east. The Yorkshire water waste water treatment facility lies to the east. The main Rotherham railway line lies to the west. The site is accessed via Waddington Way, a road which serves the surrounding modern industrial development and starts at Aldwarke Lane.

The site covers approximately 0.97ha and is broadly level.

Background

The site has the following relevant planning history:

RB2006/2264 - Outline application for warehouse/industrial development for use within use classes B1 (b) research, B1(c) light industry B2 general industry, B2 general industrial and B8 storage and distribution including details of the access – Granted Conditionally.

The time limit for submitting reserved matters to this outline application has now expired and it is therefore necessary to submit a full detailed application.

There have been a number of reserved matters/detailed planning permissions subsequent to the above outline planning permission on neighbouring sites within the industrial estate. The majority of the plots surrounding the application site have now been developed with the buildings occupied.

Proposal

This is a full planning application for the erection of a building for use within classes B1(b) research, B1(c) industrial process, B2 general industrial and B8 storage or distribution. It is also proposed to enlarge the existing surface water balancing pond in the western section of the site

The proposed building has a total footprint of 4175 square metres and the dimensions of the building are 128 metres x 32 metres and 8 metres to eaves;

The proposed building is steel portal framed with profiled steel cladding in blue/grey to match the existing buildings on the industrial estate. It has also been designed to allow subdivision into 8 smaller units should this be required in the future.

The building has a front service yard/car park accessed via 2 no. entrances off the existing site road. A total of 62 car parking spaces will be provided, including 8 dedicated disabled parking bays, together with service yards for delivery vehicles and secure cycle storage areas. A new electricity Sub-station is also to be provided in the southern area of the site to serve the proposed building.

Landscaping is indicated around the perimeter of the building and service yards.

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

- Design and Access Statement;
- Flood Risk Assessment;
- Phase 1 Site Investigation Report;
- Transport Statement.

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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Industrial and Business purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14 'Accessible Places and Managing Demand for Travel'

CS25 'Dealing with Flood Risk'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV3.2 'Minimising the Impact of Development'

ENV3.7 'Control of Pollution'

EC3.1 'Land Identified for Industrial and Business Use'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

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

Publicity

The application has been advertised by way of site notice (10 September 2015), press notice (18 September 2015, Rotherham Advertiser) and letters to neighbouring properties. No representations have been received.

Consultations

Environment Agency – No objections subject to conditions

SYMAS – no objections

Yorkshire Water – no objections subject to conditions

Streetpride (Transportation and Highways) – no objections subject to conditions

Drainage Maintenance – no comments

Canal and RiverTrust – no objections subject to informative

Streetpride (Landscape) – no objections subject to conditions;

Police Architectural Liaison Officer – provides advice in order to minimise the opportunities for crime against the property;

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
- Design, Scale and Appearance
- Impact on the surroundings
- Highway Safety
- Flood Risk Issues

Principle

The application site was subject of an outline planning application for a wider area to develop a new industrial estate that was approved in June 2007 under RB2006/2264.

The principle of industrial/warehousing development on this site has therefore been established. The site is allocated for industrial and business uses in the Unitary Development Plan and the development of the remainder of the industrial estate has now been, or is in the process of being finalised. This is the last remaining vacant plot without the benefit of detailed permission for development. The proposals are for development exclusively within the B Use Classes (B1, B2 and B8) and are considered to accord with the provisions of UDP Policy EC3.1 In addition the NPPF states at paragraph 19: "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

Design, Scale and Appearance

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, paragraph 56 of the NPPF states that: "Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

The existing site consists of large scale industrial type buildings located on a new industrial estate within the Aldwarke area. The proposed site will be seen in the context of the other industrial buildings on the estate and it should therefore be consistent with the design and quality of those existing buildings.

The scale and height of the proposed building is consistent with those on the adjacent plots and whilst they have the appearance of typical large scale industrial warehouse buildings the use of high quality materials will assist in allowing the buildings to sit in an acceptable manner on this site. It is considered that the proposed development is of an appropriate scale for the site and sufficient space is retained for parking, service yards and landscaping. The proposed materials of profiled steel cladding will provide a modern and contemporary finish and the design and access statement indicates that the colours and finishing will be consistent with the existing buildings.

There is a large area of landscaping proposed around the perimeter of the buildings and also on the front western elevation. This landscaping is consistent with the Master plan which was approved at outline stage and with the detailed design of the landscaped areas of the existing, nearby buildings. The landscaping will assist in softening the appearance of the buildings both in terms of views of the development from outside the site but will also create a high quality environment within the development.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design which will comply with the general advice within the NPPF and Core Strategy CS28 'Sustainable Design.'

Impact on the surroundings

The site lies within an industrial setting with the majority of the newly constructed surrounding uses falling within the B1, B2 and B8 use classes and the area has become a newly established industrial estate. It is not considered that there are any sensitive uses within the vicinity of the site. The application proposal is considered to be in keeping with the surroundings and in conformity with saved UDP Policies ENV3.7 'Control of Pollution' and EC3.1 'Land Identified for Industrial and Business Use'

Highway Safety

The access and parking layout are of an acceptable standard of design in terms of vehicular movements and highway safety. In terms of parking, the proposed layout indicates that 64 parking spaces are to be provided. This is in accordance with the Council's maximum standards and is therefore considered to be appropriate.

The Transportation Unit have commented that the proposed scheme is similar to previous outline approval granted in June 2007. With regard to the traffic

generation and the capacity of the junction to absorb it, the Transportation Unit have confirmed that they have no concerns as this is still within the levels for which the original outline permission was obtained. The number of occupied units on the site is rising and probably indicates that it is close to the time when some site-wide approach to sustainable transport is needed. A travel plan condition was imposed for previous units in this area and it is recommended that the same should apply here. There are no objections to the granting of planning permission in a highway context.

Flood Risk Issues

A Flood Risk Assessment has been submitted in support of the planning application which identifies that the application site lies within Flood Zone 2 (Moderate Risk).

The site was partially flooded during the June 2007 event and the flood level is assessed to have been 23.70 m AOD. It has been recommended that buildings should be set at a minimum of this level and the submitted plans indicate that the finished floor levels of the building are at 24.05 m AOD, thus, flood risk is not considered to be significant.

In addition, the site is within the 1 in 100 year climate change flood plain and this must be compensated for within the site. The submitted plans indicate that there is compensatory storage to the east of the proposed buildings and the detailed design of this storage will be dealt with by condition.

Rainwater from the development will drain into an existing balancing pond with flow control device which is designed to accommodate this area of the overall site before discharging to the River Don. The existing pond has a volume of approx. 2960 m³, giving a shortfall of approx. 710 m³. As approved in a previous application for Buildings 16 & 17 on the wider development site (RB2013/1488), an allowance of 100 m³ has been taken for the storage provided by the main site drainage, which reduces the additional volume required to 610 m³. It is therefore proposed to increase the plan dimensions of the existing balancing pond to create the required additional storage. Taking the bed level as 20.30m AOD and a top water level of 22.50m AOD, gives an available depth of 2.2m, resulting in increase in the base area of the pond being in the order of 276 m².

The EA have indicated that there are no objections, subject to a condition being imposed that the measures outlined in the Flood Risk Assessment be implemented in accordance with the submitted details.

Overall, it is considered that the development of this site for the purposes detailed above are acceptable in flood risk terms, subject to conditions.

Conclusion

The site is allocated for industrial and business uses in the Unitary Development Plan and the remainder of the industrial estate is in the process of being finalised. The principle of development is considered to be acceptable and the site is not considered to have any higher level of future flood risk than the surroundings. The proposed design is considered to be of an appropriate scale and visual appearance with the scale and height of the proposed buildings consistent with

those on adjacent plots. The proposal is considered to have an appropriate level of parking and the application is recommended for approval, subject to conditions.

Conditions

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 site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Drawing numbers location plan 37841/001 Rev A, site layout 37841/002 Rev A, floor plan 37841/003 Rev A, elevations 37841/004 Rev A, additional pond area 37841)(received 02 September and 04 November 2015)

Reason

To define the permission and for the avoidance of doubt.

03

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.

04

Notwithstanding the submitted plans, the development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating vehicular parking and turning heads. The layout shall be constructed in accordance with the approved details and completed before the development is first brought into use and thereafter maintained for car parking. This layout shall accord with the Council's car parking standards.

Reason

In the interests of road safety.

05

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 programme of implementation, monitoring, validation 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 monitoring programme. For further information please contact the Transportation Unit (01709)822186.

Reason

In order to promote sustainable transport choices.

06

Prior to the commencement of development, details of cycle parking facilities shall be submitted to and approved by the Local Planning Authority in accordance with the Council's Cycle Parking Guidelines and the approved details shall be implemented before the development is brought into use.

Reason

In order to promote sustainable transport choices.

07

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development 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 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 and in accordance with Core Strategy CS28 'Sustainable Design'.

08

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Eastwood and Partners (dated August 2015, ref: AP/MW/37841) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 25.00 m above Ordnance Datum (AOD) for the proposed building and 24.40 mAOD for the service yards/car parking areas (as stated in the FRA, this is above the 2007 historical flood level and 1% AEP modelled water level plus climate change).
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in

writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site.

09

Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 5.0 (five) metres either side of the centre line of the sewers, which cross the site.

Reason

In order to allow sufficient access for maintenance and repair work at all times.

10

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the existing public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

11

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage

12

Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

13

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. 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 and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

14

Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s).

Reason

To reduce the risk of pollution to the water environment.

15

All downpipes carrying rain water from areas of roof shall be sealed at ground-level prior to the occupation of the development. The sealed construction shall thereafter be retained throughout the lifetime of the development.

Reason

To prevent the contamination of clean surface water run-off.

Informative(s)

- a) The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust.
- b) Drainage – Yorkshire Water

EXISTING INFRASTRUCTURE - On the Statutory Sewer Map, there are 500mm and 900mm diameter public sewers and a 450mm diameter sewage pumping main recorded to cross/cross close to the site. A stand-off distance of 5 (five) metres is required at each side of the sewer centre-lines. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this case, Yorkshire Water has no objection in principle to site layout (as shown on drawing 37841/002 (revision A) dated 11/08/2015 that has been prepared by Eastwood & Partners).

POSITIVE AND PROACTIVE STATEMENT

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