

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 7 JANUARY 2016**

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**

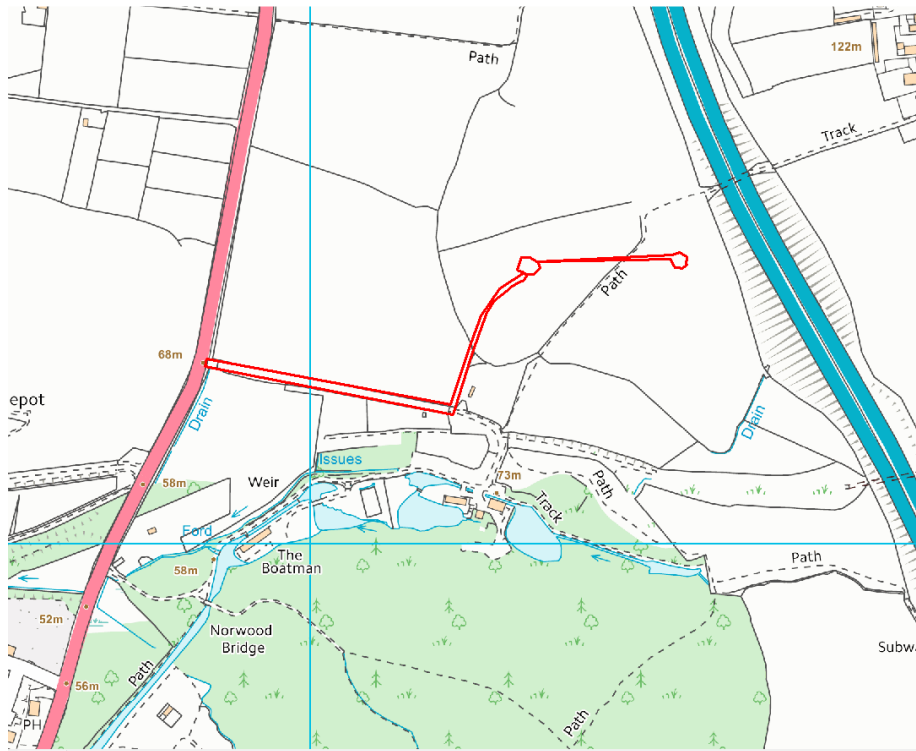
<b>RB2015/0012</b> <b>Erection of 2 No. wind turbines at land at Norwood Lock Mansfield Road Wales for Narvarda Wind Turbine Ltd</b>	<b>Page 10</b>
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<b>RB2015/1169</b> <b>Change of use of former library, former Council offices and erection of a three storey building to form a residential institution (Use Class C2) at Rawmarsh Branch Library/RMBC Council Offices Rawmarsh Hill Parkgate for Action Housing</b>	<b>Page 29</b>
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<b>RB2015/1408</b> <b>Outline application with all matters reserved for the creation of up to 2311sqm of class B1 (B and C) , B2 and B8 floorspace at land at Advanced Manufacturing Park High Field Spring Catcliffe for Harworth Estates Investments Ltd</b>	<b>Page 40</b>
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<b>Application Number</b>	<b>RB2015/0012</b>
<b>Proposal and Location</b>	<b>Erection of 2 No. wind turbines at land at Norwood Lock Mansfield Road Wales</b>
<b>Recommendation</b>	<b>Refuse</b>

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



### Site Description and Location

The application site consists of two locations within separate fields to the west of the M1 Motorway, east of A618 Mansfield Road, to the north of Norwood woods and to the south of residential properties on Cherry Tree Road.

The site is accessed via an informal private road off Mansfield Road. The immediate area consists of agricultural fields with an area of woodland to the south. The surrounding land slopes steeply up to the north.

There are residential properties within a housing estate to the north on Cherry Tree Road approximately 435m away from one of the turbines, and The Boatman residential property is located to the south west approximately 420m away. Across the M1 motorway is Springfield Cottage to the east approximately 490m away and there are also residential properties to the north east on Church Street/Stockwell Lane which are approximately 370m to 500m away from the turbines.

Other properties close by (The Mill and Lock Cottage) are owned by the applicant.

## **Background**

There have been numerous planning applications relating to the applicant's property for outbuildings, agricultural buildings, stables and such like.

The relevant history in relation to the turbines is set out below –

RB2013/0425 – Erection of 2 No. wind turbines and associated cabinets, granted conditionally 09/04/2014

RB2014/0610 - Application to vary conditions 06 & 07 (noise sensitive time period) imposed by RB2013/0425 (erection of 2 No. wind turbines and associated cabinets) granted conditionally 03/07/2015

RB2014/1038 - Application to vary Condition 02 (approved plans) imposed by RB2013/0425 (erection of 2 No. wind turbines and associated cabinets) granted conditionally 24/09/2014

The applicant undertook pre-application consultation in accordance with The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013. This was undertaken on 22<sup>nd</sup> April 2015, when the applicants stated that they consulted 48 properties within 0.5km of the site. The applicant has stated that there have been 5 responses, 4 which were requests for further information. However copies of 4 letters of representation have been submitted with the application, 2 in support of the proposal and 2 raising objections.

## **EIA Screening**

As the hub height of the turbines exceeds 15m, a screening opinion has been provided in respect of the requirement for an Environment Assessment. The proposed development falls within the description contained at paragraph 3(i) (Installations for the harnessing of wind power for energy production) of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

## **Proposal**

The applicant seeks full planning permission for the erection of two wind turbines. Both turbines are proposed to be 50m in height to the centre point of the hub and 77m to the tip of the turbine. The turbine is shown to have three blades with a blade length of 27m, rotor diameter of 54m.

The application was originally submitted in December 2014, however it was invalid as the applicant had not undertaken pre-application consultation required for all such applications (turbines over 15m in height) in accordance with the statutory requirement in The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013.

The applicant undertook the pre-application process and, when the details were submitted to allow the application to be validated, the siting of the two turbines had also been slightly relocated further from the M1 motorway and from hedgerows on the site. The application was validated in June 2015.

The application proposes two new turbines which in effect would replace those originally approved (though not erected) under RB2013/0425. Either scheme could be erected and the applicant would have to enter into a S106 Legal Agreement to prevent this..

The original two turbines were approved as, two blade turbines with a hub height of 32.2m and a maximum blade height of 48.4m. One of the amended applications was for two, 3 blade turbines with hub heights of 22.6m with a maximum blade height of 37.8m. As noted above, the current proposal is for two 3 blade turbines, with a 50m hub height and 77m to the blade tip.

The design and Access Statement addresses the following issues –

#### Access

The existing access from Mansfield Road to the application site is suitable for delivering the turbines using a 24 foot long lorry. From there a temporary access will be made to the exact site. There are no plans to excavate materials in order to provide such an access point and there is no requirement for a regular access way here once the turbines have been installed.

Construction will not require any changes to the local highways for access or maintenance.

#### Energy

The turbines will be connected to the National Grid to supply surplus energy. The turbines together will produce 2 Mwh of renewable energy at an average wind speed at 30 metres of 6.5 m/sec. This will have a direct impact on reducing carbon emissions and on global warming. There will be improved air quality by less use of fossil fuels and there will also be a reduction in landfill associated with traditional energy providers' waste.

#### Ecology

An Ecology Report was submitted in support of the application which looks at the impact on Bats. It concludes that the turbines are located central to arable fields, which is optimal for avoiding potential impacts on bats or shrub nesting birds.

#### Noise

A noise Assessment was submitted in support of the application. This states that here is no evidence that ground transmitted low frequency noise from wind turbines is harmful to human health.

#### Shadow Flicker

They state that there are no properties located within 300m of the turbines, the distance in which shadow flicker can occur.

### TV Signals

The area has switched over to digital transmission, and digital signals are not subject to electromagnetic interference.

### Historic and Cultural Assets

The site is not within a Conservation Area and no Listed Buildings or scheduled monuments or know sites of archaeological interest are affected by the proposed construction or operation of the turbines.

### Driver Distraction

Drivers are faced with a number of varied and competing distractions during a normal journey, and at all times drivers are required to take reasonable care to ensure their own safety.

### Cumulative Impact

It cannot be said that there is an overabundance of turbines in the immediate area.

### Decommissioning

The design of each turbine is such that when it comes to the end of its life after approximately 20-25 years, it can be refitted-subject to planning approval of any changes, or it can be dismantled with ease and the restoration of the site can be carried out without major disruption to the landscape.

## **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. One of the turbines would be located in an area of Known Interests Outside Protected Sites . For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 Green Belt  
CS20 Biodiversity and Geodiversity  
CS21 Landscape  
CS23 Valuing the Historic Environment  
CS27 Community Health and Safety  
CS30 Low Carbon & Renewable Energy Generation

Unitary Development Plan 'saved' policy(s):

ENV2.2 Interest Outside Statutorily Protected Sites  
ENV2.8 Settings and Curtilages of Listed Buildings  
ENV2.12 Development adjacent to Conservation Areas  
ENV3.7 Control of Pollution

## **Other Material Considerations**

Written Ministerial Statement dated 18<sup>th</sup> June 2015. This sets out new considerations to be applied to proposed wind energy development. Subject to transitional provision, the statement explains that the new considerations had immediate effect. Substantial weight is given to this Statement as the most recent expression of government planning policy for onshore wind development. The Statement includes a transitional provision for where valid planning applications had already been submitted prior to the date of the statement (as had occurred in this instance). In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.

Climate Change Act 2008.

ETSU – R – 97: The Assessment & Rating of Noise from Wind Farms.

National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy (EN-3)

RMBC Landscape Character Assessment (LCA) published in 2010.

Written Ministerial Statements on renewable energy published in June 2013 by the Secretaries of State for Energy and Climate Change and for Communities and Local Government.

Written Ministerial Statement on renewable energy published by the Secretary of State for Communities and Local Government in April 2014.

The National Planning Policy Guidance (NPPG).

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 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.

## **Publicity**

The application was advertised in the local press and on site via 5 site notices. The occupiers of 73 properties were notified by individual letter.

15 representations have been received to the application, including one from Wales Parish Council. Objections are on the following grounds –

- The turbines would be close to residential properties on Cherry Tree Road to the detriment of the residents.
- The turbines would lead to a deterioration in the amenity value of the area and quality of life of residents. Studies carried out by the World Health Organisation determined that a bad view out of a window increased the risk for individuals of developing depression by up to 40%. The application does not address these issues.
- The tall structures would have a negative impact on the enjoyment of the neighbourhood and overall mental and physical well-being.
- Annoyance, stress, sleep disturbance, headache, anxiety, depression, impact on the inner ear, low frequency and other types of noise pollution.
- Noise pollution on top of that already existing from the M1.
- Noise will be an annoyance, evidence suggests that modulating sound has an irritant effect to people who live in proximity to it. In Canada it has been commented that a quiet rural community was reduced to a rumbling mess.
- Shadow flicker. There is no information on this and the National Research Council (NRC) Environmental Impacts of Wind –Energy projects, New York 2007 suggests that wind energy projects create negative impacts on human health and well being, the main impacts are experienced mainly by people living near wind turbines affected by noise and shadow flicker.
- Shadow flicker could be a traffic hazard for the M1.
- Strobe effect.
- Vibrations.
- Electromagnetic radiation.
- Visual dominance of an unspoilt area.
- The turbines would cause stress to a nearby child with autism whilst they are playing in the garden.
- There has been no attempt to inform residents of the turbines, and many people still do not have the internet.
- No notices have been erected.
- Property values will decrease. Research carried out by the London School of Economics suggests that wind farms can reduce the value of homes by as much as 12% within a 2km radius. This devaluation is on top of the devaluation already by the M1 motorway.
- The turbines are industrial units which would degrade and destroy the countryside landscape.
- Turbines at Loscar Common and Penny Hill can already be seen from Wales and both severely degrade the landscape.
- The site is within the Green Belt.
- The turbines are on the migratory route for many species of birds and many other species live in adjacent fields and fly between Rother Valley Country Park and Pelby ponds.
- For the first time in years skylarks have nested in the field.
- A letter from Navada Wind Turbine Ltd, could have been produced by a child. Would the company co-exist with the best interests of local villagers and residents?
- The turbines would be located within a valley, would they work in such a location?

- Small turbines have already been approved, is there any assurance that the granting of permission would not be a precursor for further turbines.
- The Ministerial Statement of 18<sup>th</sup> June 2015 has given local people the final say on wind farm applications. So we are saying no to the application.
- The turbines will be detrimental to the local community.
- The property on Cherry Tree Road was bought as a last property because of the outstanding views, which will be spoilt by the turbines.
- The noise assessment was carried out on Saturday 26<sup>th</sup> April 2014 which is when the ongoing road works on the M1 were underway, with works mainly being carried out early evening and throughout the night. The noise associated with the road works would give a noise reading higher than normal, and unrealistic.
- Some properties on Cherry Tree Road have been refused planning permission to increase the height of their roofs due to the visual impact.
- The public footpaths should be protected.

One resident has requested the Right to Speak at the Planning Board Meeting.

### **Consultations**

Streetpride (Transportation and Highways Unit) – It is noted from the submitted details that the proposed scheme is to now substitute the two wind turbines previously approved by planning permission RB2013/0425P. It is also noted that no temporary roads will be created to serve the new locations and that matting is to be used as a temporary surface. The applicant's agent should confirm that an assessment of ground conditions has been undertaken to ensure that this method will accommodate the additional loading.

The turbines have now been significantly increased in size, and as a result a vehicle tracking report demonstrating that the equipment can be delivered to the location from Rotherham Road without any widening works to junctions etc. should be submitted.

Streetpride (Public Rights of Way) – The access is via Wales Footpath 31, and Wales Footpath 14 runs between the proposed turbines, so some disruption is expected. The applicant has been asked whether the increased height of the turbines mean there is more of an issue getting the components down the public footpath to the site, or any increased danger to footpath users.

Neighbourhoods (Environmental Health Services) - The noise report lacks vital information which the applicant would be expected to have included as part of the assessment if it had been carried out in accordance with ETSU R-97 as stated in the report. It is therefore recommended that the applicant carries out the noise assessment again in order to overcome the discrepancies identified.

The details of shadow flicker appear to be incorrect. Properties on Cherry Tree Road and Stockwell Lane are likely to be affected by the shadow flicker so these properties need to be included in the shadow flicker assessment. Before any decision to approve or refuse the application, Environmental Health Services recommends that the applicant re-submits the noise assessment for the 2 proposed turbines in accordance with the ETSU R-97 methodology as



mentioned above and corrects the shadow flicker calculations in the Design and Access Statement.

Streetpride (Landscape Design) - The site in question lies in the Green Belt within Character Area No.7 Rother Valley Reclaimed Farmland and has been assessed in RMBC Landscape Character Assessment 2010 as being moderate sensitivity to change. So it would appear that given the increased height of the proposed turbines, in comparison to those consented, there is potential for negative landscape and visual effects. In order that these potential landscape and visual effects can be understood and considered as part of the planning application, Landscape Design would require the applicant to undertake and submit a Landscape and Visual Impact Appraisal (LVIA).

This LVIA should be carried out by a suitably qualified professional in accordance with current best practice Guidelines for Landscape and Visual Impact Assessment (GLVIA 3rd Edition) in order for the magnitude of any landscape & visual effects to be appropriately assessed and understood. This will assist the local authority in fully understanding the development impacts and therefore determining the application appropriately. The LVIA should cover a radius of 5km from the development site and cover a typical range of visual receptors, e.g. residential, transport network, Public Rights of Way (including Wales footpath Nos.13,14,15,17 and 31 and Harthill Footpath No.28), listed buildings, key landmarks & distinctive features, and local designations i.e Area of High Landscape Value and conservation areas etc.

Consideration will be given to a narrower scope of study if this is supported by an appropriately prepared Zone of Theoretical Visibility (ZTV). A ZTV will also assist with the selection of appropriate viewpoint receptors which should be submitted to the local authority for approval prior to the field work assessment being carried out. Any photography and/ or photomontage production in relation to the LVIA should be carried out in accordance with the Landscape Institute guidance note.

Streetpride (Ecologist) – The new application is completely different to the original application and the old ecological survey and assessment (Ribble Ecology, Aug-Sept 2013) is not fit for the current purpose. A new ecology report is required including new field surveys conducted at the appropriate times of the year. More bat transects than previous are appropriate and should cover more than one day – reference was made to only one transect per turbine site according to BCT (2012) guidelines – but these apply to micro-turbines, which are not the subject of the new application.

The new ecology report should alter the Collision Risk Zone assessment in the light of the turbines now being proposed to be 50m to hub. There does not appear to be any data having been gained from Rotherham Biological Records Centre – this should be gained and interpreted. It is recommended that there is a fuller interpretation of all data records than in the original report as it was cursory. This should include details of what the Local Wildlife Site (within which one of the new turbines proposed appears to be located – ref fig. 2 of the original ecology report) is designated for and its significance with respect to the proposals. It is recommended that the application is at least deferred until the further information is provided.

National Air Traffic Services (NATS) Safeguarding – They confirm that there are currently no conflicting applications within 5km of this site and that mitigation is already approved for this application. Accordingly if Rotherham Council is minded to grant consent to the application, NATS kindly request that the standard aviation conditions are imposed on any consent.

Robin Hood Airport – Given the increase in height of the proposed turbines and consistently with previously stated findings the Airport believe both turbines are likely to be visible to the Primary Surveillance Radar at Robin Hood Airport. As a result, the safe operation of the Airport could be compromised and the Airport therefore wishes to submit an objection on this proposal.

Condition 09 of the previous permission refers to a scheme to secure the investigation and alleviation of any potential unwanted radar returns. This condition was applied specifically to deal with the smaller turbines and cannot be automatically applied to address the Airport's concerns on the two, 77m tip turbines. The Airport would require a different approach to mitigation and one that would require further assessment to determine its suitability for these turbines in this location.

Highways England – No objection on the understanding that the 2 turbines are at a minimum setback from the highway boundary of height +50 metres or height x 1.5 whichever is the lesser.

Canal and Rivers Trust – The site is now outside the notified area applicable to consultation with the Trust.

## **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 issues to take into consideration in the determination of the application are:

- The principle of the development within the Green Belt and the impact on the openness of the Green Belt.
- Impact on landscape and visual amenity (including cumulative impact).
- Impact on local residents (noise/shadow flicker/visual amenity).
- Impact on ecology.
- Highway safety/Public Rights of Way.
- Aviation safeguarding and local and national infrastructure.

- Heritage impact.
- Very special circumstances.
- Other matters raised by objectors.

The principle of the development within the Green Belt and the impact on the openness of the Green Belt.

The proposed turbines are located in the Green Belt and Core Strategy Policy CS4 'Green Belt' states that land within the Green Belt will be protected from inappropriate development as set out in national planning policy.

NPPF Chapter 9 deals with 'Protecting Green Belt Land'. Paragraph 80 lists the 5 purposes served by Green Belt land –

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

Paragraph 90 illustrates the importance attached to preserving the openness of the Green Belt, and paragraph 91 provides particular guidance on renewable energy. It reads: "When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources".

In respect of the impact on the openness of the Green Belt it is considered that by introducing these structures into the Green Belt there would clearly be a significant impact upon openness.

In view of the above the proposals clearly represent inappropriate development and, as such, very special circumstances need to be demonstrated to overcome the harm caused and these are discussed further below.

Impact upon the landscape and visual amenity of the area, including cumulative impact

The site in question lies within Character Area No.7 Rother Valley Reclaimed Farmland and has been assessed in RMBC Landscape Character Assessment 2010 as being moderate sensitivity to change. So it would appear that given the height of the proposed turbines (in comparison to those consented), there is potential for negative landscape and visual effects

The application was supported by the submission of 3 photo montage images showing the proposed turbines. However, it is considered that in order for the potential landscape and visual effects to be understood and considered as part of the planning application, the applicant should undertake and submit a Landscape and Visual Impact Appraisal (LVIA). This LVIA should be carried out by a suitably qualified professional in accordance with current best practice Guidelines for Landscape and visual impact assessment (GLVIA 3rd Edition) in

order for the magnitude of any landscape & visual effects to be appropriately assessed and understood. This will enable the Local Planning Authority to fully understanding the development impacts and therefore determining the application appropriately. A Zone of Theoretical Visibility is required to assist with the selection of appropriate viewpoint receptors. Any photographs/photomontages should be carried out in accordance with the Landscape Institute guidance note.

The information required to assess the impact of the proposed turbines on the character of the Landscape has not been submitted in support of the application. It is therefore not possible to fully assess the proposal in this regard due to the lack of information.

Cumulative impact is another consideration. Government guidance in the NPPG is that cumulative landscape impacts and cumulative visual impacts are best considered separately. Cumulative landscape impact is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape and, taking account of the fact the proposed development is only proposed for a limited timeframe i.e. 25 years, the degree of its permanence within the landscape is not considered to be significant or such a defining characteristic of the landscape.

In assessing the overall cumulative visual effect, such a situation may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. The applicant has identified other turbines that have been erected within the local area, however as the required Landscape and Visual Impact Appraisal and photomontages have not been submitted it is not possible to fully assess the cumulative impact of the proposed development.

### Residential Amenity

There are three considerations relating to residential amenity:

- (i) Noise
- (ii) Visual Amenity
- (iii) Shadow Flicker

#### (i) Noise:

'Saved' UDP Policy ENV3.7 'Control of Pollution,' states: "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which (amongst other things):

i. is likely to give rise, either immediately or in the foreseeable future, to noise.....where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place."

Core Strategy Policy CS27 'Community Health and Safety,' notes that:

"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities

or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.

New development should be appropriate and suitable for its location. Proposals will be required to consider the following factors in locating and designing new development:

a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability.”

The NPPF at Paragraph 123 states: “Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.”

Renewable technologies may generate small increases in noise levels (whether from machinery such as aerodynamic noise from wind turbines, or from associated sources - for example, traffic). Local Planning Authority’s should therefore ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels.

The application was accompanied by a noise assessment, however it lacks vital information which should have been included in accordance with ETSU R-97. The lack of this information means that it is not possible to assess the noise impact of the proposed development.

(ii) Visual Amenity:

In terms of the effect of the proposed development upon the surrounding properties it is acknowledged that, although a degree of visual impact is inevitable due to the number, size and proximity of the proposed development, the determining factor in this regard is whether the proposed turbines represent an “unpleasantly overwhelming and unavoidable presence in main views from a house or garden,” and as to whether there is: “...every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live,” as described in the ‘Enifer Downs Farm,’ appeal (APP/X2220/A/08/2071880) – and often quoted as the ‘Lavender’ decision.

In site specific terms the nearest property with no interest in the development would be 420m from one of the proposed turbines. There are other dwellings within 500m which are separated by the M1 motorway.

Due to the absence of the Landscape and Visual Impact Appraisal and the required photomontages it is not possible to fully assess the visual impact of the proposal on residential amenity.

### (iii) Shadow Flicker

Shadow flicker resulting from wind turbines is difficult to predict and depends on a number of factors such as distance from the turbine, time of the year, turbine height, rotor diameter etc. However, it is generally recognised that this phenomenon occurs for very limited periods, typically for a few minutes at certain times of the day during short periods of the year.

Current National Planning Practice Guidance indicates that only properties within 130 degrees either side of north, relative to a turbine can be affected at these latitudes in the UK. Previous guidance advised that flicker effects have been proven to occur only within 10 rotor diameters of a turbine. In this case this represents a distance of approximately 540m.

The submitted information in the Design and Access Statement is incorrect, and it is likely that properties on Cherry Tree Road and Stockwell Lane would be affected by the shadow flicker and need to be included within the assessment. This further information has been requested, however the information has not been provided to support the application.

Turbines can also cause flashes from reflected light and whilst it is not possible to eliminate this phenomenon altogether it can be ameliorated by the use of a matt finish on the turbine blades. This type of finish can be controlled via the imposition of the recommended condition and therefore would help to mitigate such effects.

#### Impact on ecology

Paragraph 118 to the NPPF notes that: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

Core Strategy Policy CS20 Biodiversity and Geodiversity states that the Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance the resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

The application was submitted with a letter from an Ecologist dated June 2014, which relates to 3 turbines on the site, and relates to bat collision zones in relation to the turbines and the hedgerows. The proposal is considered to require a full up to date Ecology Survey however one has not been submitted in support of this application.

Due to this lack of information, the impact on the ecological value of the site cannot be assessed.

### Highway Safety/Public Rights of Way

The application has been amended from the original location, and the turbines are now located far enough away from the M1 motorway so that Highways England have no objection to the proposal.

The information submitted with the application states that no temporary roads will be created to serve the turbines and that matting is to be used as a temporary surface. The agent has been requested to confirm that ground conditions have been assessed to ensure that this method will accommodate the additional loading, however no response has been received. Additionally the agent has also been requested to submit a vehicle tracking report demonstrating that the equipment can be delivered to the location from Rotherham Road without any widening works to junctions etc. This information has not been provided by the agent.

With regards to Public Rights of Way, it is noted that the turbine sites will be accessed via Wales Footpath 31 and that Wales Footpath 14 runs between the two turbines. As above, additional information regarding construction access for the turbines has been requested to assess the impact on the footpath, as well as confirmation regarding the operation of the turbines and the protection of users of the footpath, though this information has not been submitted

### Aviation safeguarding and local and national infrastructure:

Aviation safety and local and national infrastructure are important considerations for wind turbine developments. A number of consultees have assessed the potential impact of the development on aviation and local and national infrastructure.

NATS Safeguarding originally objected to the application, however they have stated that their objection could be withdrawn provided specific conditions are attached to any planning application. Robin Hood Airport have objected to the proposal on the grounds that the safe operation of the Airport could be compromised. The Airport has been approached to ascertain if they would withdraw their objection if a suitable condition was attached to any planning permission. No response has been received from the Airport to date, so the objection still stands.

### Heritage Impact

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to the desirability of preserving the settings of listed buildings, and Section 72(1) of the same Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The NPPF at paragraph 17 notes that: "Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should (amongst others):

conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations."

Paragraph 128 to the NPPF further notes: “In determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”

Paragraph 132 further states: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification,” and: ...“Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

Core Strategy Policy CS23 ‘Valuing the historic Environment’ states that proposals will be supported which conserve and enhance the heritage significance and setting of the boroughs heritage assets, which is also echoed in UDP policies ENV2.8 ‘Settings and Curtilages of Listed Buildings,’ and ENV2.12 Development adjacent to Conservation Areas.

As part of the Design and Access Statement the applicant has stated that the site is not within a Conservation Area and no Listed Buildings or scheduled monuments or know sites of archaeological interest are affected by the proposed construction or operation of the turbines.

Norwood Bridge 500m to the south west of the site, is a Grade 2 Listed Bridge, however it is not considered that the proposed turbines would not be affected due to the nature of the structure.

Wales is to the North East of the turbines and has a Conservation Area with the Church of St John the Baptist a Grade 2\* in the heart of the village. Due to the undulating landscape and the separation of the site by the M1 it is considered that there is a significant separation. However the lack of supporting information in respect to the affect of the turbines on the landscape means it is not possible to assess the impact fully.

#### Very Special Circumstances

As noted above, the proposed turbines are considered to represent inappropriate development in the Green Belt, and they also have an impact on the openness of the Green Belt in this location. In addition, there are a number of other potential impacts which cannot be fully assessed at this stage due to a lack of information. As such, very special circumstances have to be demonstrated to overcome the harm caused.

Paragraph 87 confirms that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”, and paragraph 88 sets out the standard Green Belt test:-



“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘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”.

Paragraph 91 to the NPPF notes that: “When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

Paragraph 93 to the NPPF further advises: “Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”

Paragraph 98 states that: “When determining planning applications, Local Planning Authorities should (amongst others):

not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small – scale projects provide a valuable contribution to cutting greenhouse gas emissions.”

Currently there is a UK commitment to source 15% of its energy from renewable sources by 2020 alongside targets introduced by the Climate Change Act 2008 to reduce carbon emissions by 80% below 1990 levels by 2050.

Having regard to the above and particular advise in paragraph 98 of the NPPF, significant weight must be afforded to the production of energy from a renewable resource, the reduction in harmful emissions and the wider environmental benefits in terms of combating climate change.

The Design and Access Statement submitted with the application states that the turbines together will produce 2Mwh of renewable energy at an average wind speed of 6.5m/sec. It is considered that this is an error, and in accordance with a document detailing the turbine specifications, this should read 2,000MwH.

This application must be assessed in the context of the most recent government guidance on wind turbines. Whilst this does not change Planning Policy as set out in the NPPF it is considered to be a material consideration in the determination of this application. The Ministerial Statement of 18 June 2015 and subsequent revisions to Planning Practice Guidance (PPG) make clear that local planning authorities should (subject to the transitional arrangement) only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and

- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

The Ministerial Statement clarifies the transitional arrangement:

*Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.*

Neither of the two key documents within Rotherham's adopted development plan (the UDP adopted in 1999 and the Core Strategy adopted in 2014) identify areas suitable for wind energy development in line with the Ministerial Statement. This application was submitted and validated prior to the changes referred to above and therefore the transitional arrangements apply in this instance.

Key considerations would therefore appear to be:

- The acceptability of the proposed scheme (taking account of the increase in turbine height) in light of the extant planning permission
- Whether the scheme is acceptable in respect of other relevant planning policy and having regard to the issues identified as relevant in determining wind turbine applications as set out in PPG.

Core Strategy Policy CS30 'Low Carbon & Renewable Energy Generation' encourages renewable energy developments subject to the criteria set out. In particular it encourages developments provided that there are no unacceptable adverse impacts on

- a. Residential living conditions, amenity and quality of life
- b. Character and appearance of the landscape and surrounding area
- c. Biodiversity, geodiversity and water quality
- d. Historical, archaeological and cultural heritage assets
- e. Highway safety and infrastructure

It goes on to indicate that:

"Careful consideration will be given to the capacity of the landscape to accommodate renewable energy developments, the ability to mitigate visual intrusion and the cumulative impact of individual sites.

Any proposals will be accompanied by supporting information to clearly show how the surrounding environment will be protected and how site restoration will be carried out when production ends."

The current application seeks a significant increase in the height and change in location of previous turbines granted on the site. However the information submitted by the applicant does not appear to have sufficiently considered the implications of the turbine height increase.

It is therefore considered that there is a lack of supporting information to demonstrate that very special circumstances exist to overcome the harm caused by the inappropriate nature of the development and its impact on the openness of

the Green Belt, as well as potential harmful impact on other matters that cannot be adequately assessed.

#### Other matters raised by objectors

There have been 15 letters of objection received to the planning application, numerous of the objections are on the basis of the issues that have been addressed above regarding visual amenity, impact on the Green Belt and the landscape, ecology and Public Rights of Way, and impact on residential amenity in respect of noise, visual appearance and shadow flicker.

One objection states that there has been no attempt to inform residents of the proposal. However the applicant did carry out the pre-consultation process and the planning application was advertised in the press, on site via 5 site notices and the occupiers of 73 properties were notified by letter regarding the application.

An objector has indicated that if approved, a precedent would be set and more turbines could be erected in the locality. All such applications would be assessed on an individual basis taking into account any turbines that are already in situ, or have approval and the potential cumulative impact.

There has been an objection regarding electromagnetic interference. Wind turbines can potentially affect electromagnetic transmissions, and for this reason OFCOM were consulted on the application. No response has been received from OFCOM in this regard.

One objection mentions vibrations caused by the wind turbines, however this is not an issue listed in the NPPG as an impact needing assessment within wind energy applications. Any such impact that does take place is considered to be negligible due to the distance of the turbines from the nearest residential properties.

Other objections that include the devaluing of properties, the credentials of the applicant, and views out of windows are not material planning considerations to be taken into account when considering this application.

#### **Conclusion**

It is not considered that the applicant has submitted sufficient information to enable a full assessment of the proposal. The proposal as submitted is considered to constitute inappropriate development in the Green Belt, and 'no very special circumstances' exist to overcome the harm by way of the inappropriate development and its impact on the openness of the Green Belt, as well as the potential harm to other matters that have not been fully addressed.

Additionally the Written Ministerial Statement dated 18<sup>th</sup> June 2015 states that for applications submitted prior to it being issued, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. In this respect there are numerous objections to the application from local residents, and many of the issues and impacts raised have not been addressed via the application.

In view of the above it is recommended that planning permission be refused.

### **Reason for Refusal**

01

The proposal as submitted represents inappropriate development in the Green Belt that would have a significant impact on the openness of the Green Belt. In addition, insufficient information has been submitted to overcome the potential harm in respect of other matters, including potential impact on; the landscape and visual amenity (including cumulative impact); local residents; ecology; highway safety/Public Rights of Way; aviation safeguarding and local and national infrastructure. No 'very special circumstances' have been demonstrated to overcome the harm caused. As such the proposal would be contrary to the National Planning Policy Framework, National Planning Policy Guidance, Written Statement dated 18<sup>th</sup> June 2015, and relevant Core Strategy and Unitary Development Plan Policies listed below:

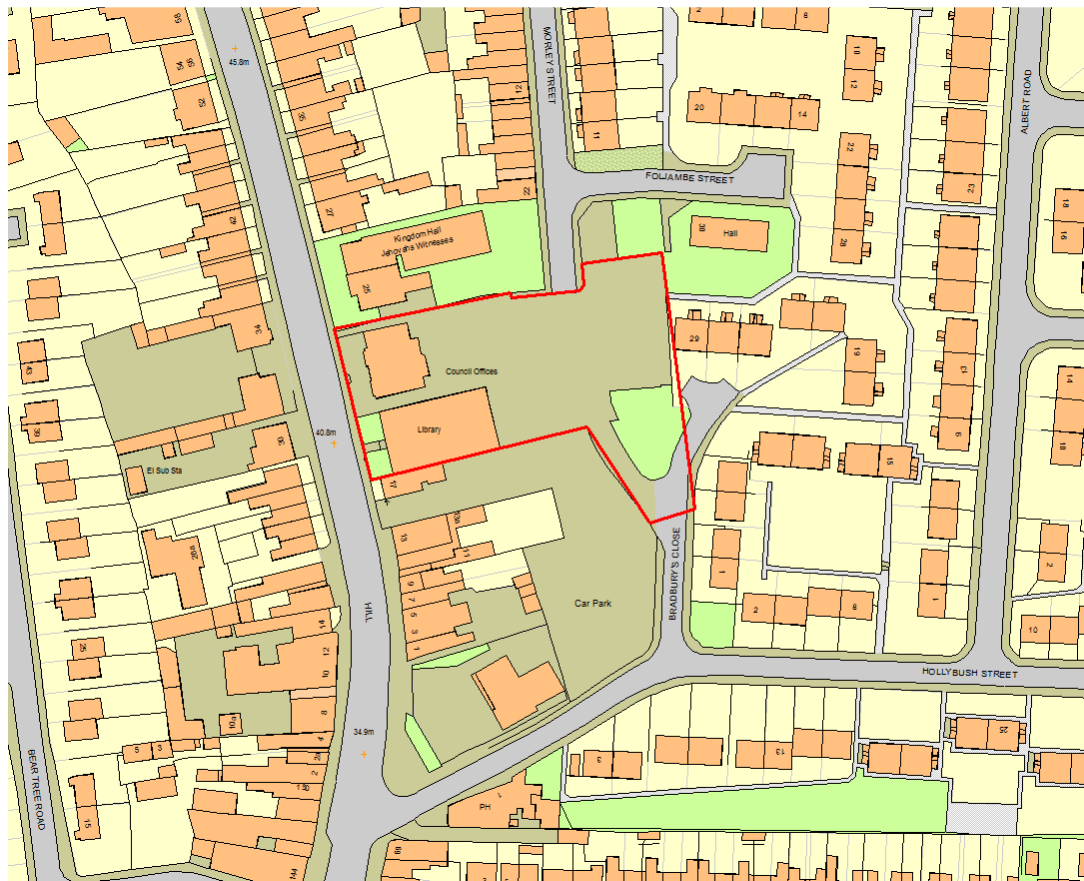
Core Strategy Policies: CS4 Green Belt, CS20 Biodiversity and Geodiversity, CS21 Landscape, CS23 Valuing the Historic Environment, CS27 Community Health and Safety and CS30 Low Carbon & Renewable Energy Generation.  
Unitary Development Plan Policies: ENV2.8 Setting and Curtilage of Listed Building, ENV2.12 Development Adjacent Conservation Areas and ENV3.7 Control of Pollution.

### **POSITIVE AND PROACTIVE STATEMENT**

The applicant did not enter into any pre application discussions with the Local Planning Authority. Discussions during the determination of the application have identified that it is not possible to support this scheme as submitted. It was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

<b>Application Number</b>	<b>RB2015/1169</b>
<b>Proposal and Location</b>	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
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to 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 0.3hectares 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.
- Following concerns raised by Yorkshire Water that a main sewer runs across the site, the location of the new building has been relocated approximately 4m further west of the original proposal. The existing sewer will be diverted.
- This results in spacing distances of approximately 5.6-6.4m from the boundary and 7m from the neighbouring residential property at no. 29 Bradburys Close.
- There is a reduction in the number of car parking spaces from 15no. to 9no.

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."

Following the deferral from the Planning Board of the 19<sup>th</sup> November, the applicant has also carried out an additional formal neighbour consultation event on the 22<sup>nd</sup> December.

In addition, all previous consultation events can be summarised as follows:

- 17<sup>th</sup> August 2015 – Action Housing acquire buildings
- 04<sup>th</sup> September – Meet Police and discuss plans and advice on secure by design
- 07<sup>th</sup> September – Meet Police on Site to discuss security, Fencing, CCTV and lighting
- 15<sup>th</sup> September – Give presentation to Area Assembly Rotherham Town Hall
- 23<sup>rd</sup> September – Give presentation to SNT at Rawmarsh Police station
- 01<sup>st</sup> October – Drop in at High St centre with plans of site and new development Plans
- 05<sup>th</sup> October – Drop in at Site, former Neighbourhood offices, with plans and new development Plans
- 07<sup>th</sup> October – Drop in at community centre Foljambe Rd.

### **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 27<sup>th</sup> 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.

Following the proposed amendments to the site plan, the application has been re-advertised with all neighbours and objectors re-consulted. No additional comments 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

Yorkshire Water – no objections 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 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.

Yorkshire Water have raised no objections to the re-siting of block 3, subject to conditions protecting the main sewer that runs across the site.

### 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 re-siting of this new building approximately 4m

further west, this is not considered to result in any overshadowing or overly dominant impact to the occupiers of these existing properties. The block will be approximately 7m away to the side gable of this property 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 for a residential scheme, they have not raised any objections to this aspect of the proposal bearing in mind the sustainable location of the site in transport terms and the specific condition regarding the future use of this site. 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 08:00hrs until 21:00hrs 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 21:00hrs 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 c, 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 11/11/15).

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.'

10

Unless otherwise approved in writing by the local planning authority, no construction of building or other structures shall take place until measures to formally divert the affected 300mm diameter public combined sewer that is laid within the site have been implemented in accordance with submitted site layout drawing r/15/10 (revision c) dated 10/11/2015.

Reason

In the interest of satisfactory and sustainable drainage

11

Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the public sewers, which cross the site.

Reason

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

12

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.

### **Informative(s)**

#### **Yorkshire Water**

EXISTING INFRASTRUCTURE - Yorkshire Water has no objection to the site layout (subject to formal sewer diversion of the 300mm diameter public foul water sewer which crosses through the red line site boundary, as submitted on drawing r/15/10 (revision c) dated 10/11/2015 that has been prepared by Younger Living. We note the drawing shows a stand-off distance of 3 (three) metres at each side of the diverted sewer centre-line.

Further, there is a 300mm diameter public surface water sewer also recorded to cross through the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centre-line i.e. protected strip widths of 6 metres.

SURFACE WATER - Sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

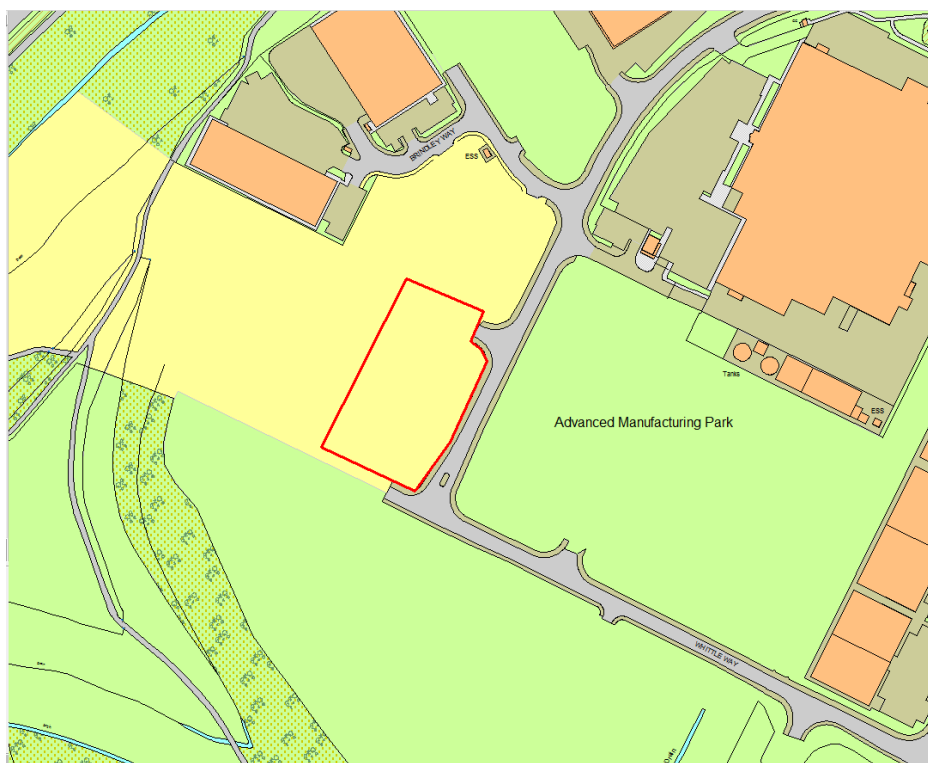
Alternatively, and only upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal i.e. soakaway test results/ watercourse investigation etc, curtilage surface water may discharge to public surface water sewer. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

### **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.

<b>Application Number</b>	<b>RB2015/1408</b>
<b>Proposal and Location</b>	Outline application with all matters reserved for the creation of up to 2,311sqm of class B1 (b and c), B2 and B8 floorspace at land at Advanced Manufacturing Park, Highfield Spring, Waverley, S60 5WG
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description and Location

The application site is located within the centre of the Advanced Manufacturing Park which itself forms part of the wider Waverley development site and extends to approximately 0.62 hectares in size. The site currently comprises vacant and restored scrubland and is bounded by the existing R-evolution units to the north east with the A630 (Sheffield Parkway) further north of these buildings. To the south and west lie vacant development platforms, whilst Brunel Way, which represents one of the primary roads running through the Advanced Manufacturing Park, sits to the east of the site with additional vacant land beyond this.

### Background

The following applications are relevant to the application site –

RB2003/0046

Outline application for development of an advanced manufacturing park including business uses in Class B1 & B2 with related infrastructure and landscaping. - Granted conditionally, subject to a legal agreement 06/04/2005



RB2008/0822

Application for variation to condition 22 (highway improvements to be made to High Field Spring before 10,000m<sup>2</sup> of buildings are occupied), condition 23 (highway improvements to Poplar Way & Big W Roundabout to be made before 10,000m<sup>2</sup> of buildings are occupied) and condition 29 (bridge for footpath/bridleway over Sheffield Parkway to be provided before 10,000m<sup>2</sup> of buildings are occupied) and imposed by RB2003/0046 to allow 23,225m<sup>2</sup> of buildings to be occupied before all works are implemented, and for the variation of condition 35 (bus shelters to be provided on High Field Spring before any buildings are occupied) and imposed by RB2003/0046 to allow the bus shelters to be provided within one month after the completion of works required by condition 22, or within 12 months of the date of this planning permission, whichever is sooner - Granted conditionally 07/08/08

RB2009/1003

Application for variation to conditions imposed by RB2008/0822 (an amendment to RB2003/0046) to allow conditions 12 and 13 (details of traffic signals to be installed at M1 Junction 33 to be approved by the Local Planning Authority and implemented before the development is brought into use) to be amended to allow traffic signals details to be submitted to the Local Planning Authority and implemented before 30 June 2011, and variation to condition 35 (details of bus shelters on High Field Spring to be submitted to and approved by the Local Planning Authority and implemented within 12 months of the date of permission) to allow bus shelters to be implemented after proposed improvement works to High Field Spring have been completed or within one year of the date of this permission - Granted conditionally 05/11/2009

RB2010/1244

Application for variation to condition 11 (details of road works/traffic signal control mechanism to be submitted before December 2010) imposed by RB2009/1003 to allow submission of details before June 2011 and removal of Condition 12 (details of traffic signal control mechanism MOVA (duplicate condition) - Granted conditionally 09/11/2010

RB2012/1416

Engineering works to form level development plateau - Granted Conditionally 17/12/2012

RB2013/1039

Formation of access road - Granted conditionally 26/09/2013

## **Proposal**

The planning application is in outline and is submitted by Harworth Estates. It seeks permission for B1 (b) (research and development) and (c) (light industry), B2 (general industry) and B8 (storage and distribution) floorspace, up to 2,311sqm in floor area.

Part 3 Class V of the GPDO states development is permitted which consists of a change of the use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted. However, the other use can

only be implemented if it would be carried out less than 10 years after the grant of planning permission and would not result in the breach of any condition, limitation or specification contained in that planning permission.

In this regard the occupant will be permitted to use the unit for any of the aforementioned uses, however after a period of 10 years, should a change of use be required to any of the other uses listed, planning permission will be required.

All matters are reserved for future consideration; however an indicative layout plan has been submitted which shows a single rectangular unit with 22no. parking bays along the frontage of the site behind a landscaping strip fronting Brunel Way. Access to the site is also gained via Brunel Way.

The new building will be developed as the third phase of Nikken's Advanced Manufacturing Research and Development Facility which has recently been constructed on the adjacent plot to the north (R-evolution).

The application has been supported by the following documents –

#### Flood Risk Assessment

This concludes that the proposals are in accordance with existing planning approvals and will not have an adverse impact on flood risk.

#### Transport Assessment

The AMP roundabout has sufficient capacity to accommodate demand from the development and it concludes that there are no highway reasons why the proposed development should not proceed.

#### Geo-Environmental Assessment

This looks at ground contaminants at the site, and makes recommendations to render the development acceptable.

#### Coal Mining Risk Assessment

This assessment considers the potential effects of past mining activities on future developments.

#### Phase 1 Habitat Survey

This looks at the ecological implications at the site and highlights any recommendations requires to make the proposed development acceptable.

#### Design and Access Statement

This explains how the proposal is accessed and designed to take into account the site characteristics.

#### Planning Statement

This includes details about the planning merits of the proposal and includes details of the Community Consultation.

#### **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):

CS3 'Location of New Development'  
CS9 'Transforming Rotherham's Economy'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC3.1 "Land Identified for Industrial and Business Uses"  
T6 'Location and Layout of Development'

List relevant policies and provide the title (no summary)

### **Other Material Considerations**

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 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.

### **Publicity**

The application was advertised in the press and a site notice was posted on site. No representations have been received.

### **Consultations**

Streetpride (Transportation and Highways) confirm that the vehicular trip rates and local growth rates used in the TA are acceptable. RMBC parking standards would allow a maximum of 52 spaces to be provided on the site whereas 22 No. are indicated on the preliminary site plan. Accordingly, this level of parking provision must be backed up by a robust travel plan.

Streetpride (Drainage) raise no objections to the proposed development subject to the imposition of conditions requiring further information on surface water drainage run off and the disposal of foul and surface water drainage.

Coal Authority confirm that the application site falls within the defined Development High Risk Area; therefore there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. They have considered the content and conclusions of the Geo-environmental Assessment Report and have agreed that for the purposes of the planning system they meets the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed 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) TCPA 2004.

The main issues to take into consideration in the determination of the application are –

- The principle of the development
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues
- Geotechnical Issues

### The principle of the development

The application site is allocated for industrial and business use within the adopted Rotherham Unitary Development Plan. In this instance the applicant is seeking outline permission with all matters reserved to erect a new unit for the purposes of B1 (b & c), B2 and B8 uses. The proposal is therefore considered to be acceptable in land use terms and is in accordance with policy CS9 'Transforming Rotherham's Economy' and UDP Policy EC3.1 'Land identified for Industrial and Business Use'. The proposal is also in accordance with the policies contained within the NPPF which has a presumption in favor of sustainable development, and aims to build strong, competitive economies. In this regard the proposal is considered to be acceptable in principle.

Additionally and under Part 3 Class V of the Town and Country Planning (General Permitted Development) Order, as amended an application can be submitted for a flexible permission which allows the unit to be changed to another use under the same permission without the need for a further application within 10 years from the date of the permission. The applicant could therefore use the unit for any of the uses outlined above within 10 years from the grant of planning permission,

however following its continuous use for any single one of the uses for a period of 10 years or more, planning permission would be required for a change of use.

### Transportation Issues

The site is to be served off Brunel Way, which is one of the primary routes running through the AMP. The submitted Transport Assessment (TA) outlines that the current proposal will exceed the previously imposed trigger level of 47,480sqm of development at the AMP at which point off site highway improvements are required. However, contractors are currently on site undertaking these works (dualling of Poplar Way) which are expected to be completed before occupation of the proposed development.

The vehicular trip rates and local growth rates used in the TA are considered to be acceptable. The traffic model shows that the Highfield Spring/Brunel Way junction will continue to function within acceptable parameters with the development in 2020 which also includes the probable development of 940 homes on the New Community site. Whilst queuing is shown to increase, this is well within manageable limits and as such no objections are raised.

Having regard to proposed car parking on site, RMBC parking standards would allow a maximum of 52 spaces to be provided on the site whereas 22 No. are indicated on the indicative site plan. Whilst this appears to be a sustainable option, problems with roadside parking elsewhere on the AMP are being experienced. Accordingly, this level of parking provision is required to be backed up by a Car Parking Management Strategy and a robust Travel Plan.

Having regard to all of the above, it is considered that the proposal is in accordance with Policy CS3 'Location of New Development', UDP Policy T6 'Location and Layout of Development', and is acceptable in Transportation terms, subject to appropriate conditions.

### Drainage and Flood Issues

The application site is shown on the Environment Agencies flood risk map as being within Flood Zone 1 (ie land assessed as having less than a 1 in 1000 year annual probability of river flooding, and there are no other significant flood risks that will adversely impact on the development.

The application site is to be provided with a surface water drainage system designed to prevent surface flooding on all events up to 1 in 30 year severity, exceedance flows up to 1 in 10 year events will be stored within the car parks and service yards of the individual units.

It is therefore considered that the proposals would not have an adverse impact on flood risk areas adjacent to and downstream of the site. Conditions should be attached to any approval to require the submission of detailed foul and surface water drainage with the reserved matters applications.

### Landscape and Ecology

Details of landscaping are reserved for the detailed stage of the planning permission; however details within the Design and Access Statement indicate that

the scheme *'will deliver high quality landscaping and priority has been given to the following:*

- *A visually open site to ensure security can be maintained and the visibility of the building identifiable from the main route.*
- *A welcoming area to the immediate front of the building.*
- *Provide a pleasant external working environment that is organised and efficient in both maintenance and practical use of the site.*
- *A proposal that will allow for future development of the site.*
- *Consistent with the landscaping in the local vicinity.*

*Soft landscaping will feature along the south east and southwest sides of the building. The planting to the narrow strip to the north west will be an evergreen ground cover creating a low maintenance green strip. The proposed planting will include low hedges maintained at 1200mm to establish a defined framework and boundary, which will also part conceal the cars. The selection of trees, shrubs and ground cover species selected are predominately native with additional species to provide contrast and year round interest. The final plants choice will be selected to reflect the proposals that have been put forward by neighbouring developments as supplied through Harworth Estates to provide continuity within the park. The soft landscaping strategy will be fully detailed in a future reserved matters application and will follow the principles established in the R-evolution Landscape Design Guide'.*

The R-evolution Design Guide has been previously approved under RB2013/1365 and as such it is considered that the proposals submitted as part of this development will provide a consistent approach to landscaping within this area of the AMP. Accordingly and subject to the submission of detailed landscaping works as part of any future Reserved Matters application, the proposed development is considered to be acceptable.

Turning to ecology the application includes an ecological survey and impact assessment that shows that the site contains a number of habitats that are of local ecological importance; no evidence was recorded of protected species within the proposed development site although a number of bird species are known to be present and are protected whilst nesting.

The ecological survey report contains a section of mitigation proposals. It is expected that all elements of the mitigation proposals will be incorporated and that landscaping will reflect semi-natural habitats, including those currently present, as has been delivered elsewhere within the AMP site.

In addition to the proposed mitigation measures it is recommended that development design and landscaping incorporate an appropriate level of biodiversity gain; this will demonstrate compliance with national planning policy and may help to support BREEAM accreditation as is suggested in the design & access statement.

It is therefore considered that in terms of ecological implications the application is acceptable, and the above issues raised can be secured via planning conditions.

### General Amenity

The closest residential properties are those recently constructed on the Waverley site, approximately 650 metres from the site. It is also acknowledged that there are other commercial premises already on the AMP, and that the site is also in close proximity to a number of major arterial traffic routes, namely the A630 Sheffield Parkway and the M1 Motorway. Having regard to this, it is considered that the proposed development would not result in any significant loss of amenity by virtue of noise pollution due to the sites location, however it is acknowledged that a further assessment of noise for each plot would be required at the detailed planning stage.

### Geotechnical Issues

A Geo Environmental Assessment and a Coal Mining Risk Assessment were submitted in support of the planning application. The site is in an area previously occupied by the former Orgreave Colliery and Coking Works, and other associated facilities and chemical works and has been subject to opencast coal extraction. As part of the initial surface mining operations all the former buildings and coking works were demolished and significant volumes of contaminated soils were removed and placed within a purpose designed engineered landfill, known as Orgreave Reclamation Landfill. The remaining opencast mine was subsequently infilled.

Remediation and validation works have been undertaken in the past to a satisfactory standard that the site is considered to be fit for use in terms of both geotechnical stability and contamination risks. Chemical analysis indicated that the relevant contamination thresholds were not exceeded.

During May – September 2013 further shallow soil and groundwater samples were collected from a number of boreholes and trial pits across the site to assess the potential risks from residual contamination to human health. Chemical testing reconfirmed there is no significant risk to human health.

Gas monitoring was also undertaken on six separate occasions to determine the ground gassing regime at the site. Elevated concentrations of carbon dioxide gas were detected in a number of boreholes across the site. It is understood that this site has been characterised as Gas Characteristic Situation 1 in some areas of the site (very low risk) and a gas characteristic situation 2 in other parts of the site (low risk). In areas where a characteristic 2 situation has been determined all new builds will require a gas protection membrane, and this can be secured by condition.

In some potential areas of landscaping a number of phytotoxic contaminants (e.g. zinc, lead, cadmium) above recommended guideline values have been identified which may have the potential to impact on plant growth. Further testing may be required in such proposed landscape areas to determine if additional growth material will be required, again this can be secured by condition.

Elevated soluble sulphate concentrations have been determined across the site which may have the potential to attack below ground concrete. An appropriate design sulphate class will be required for this site.

It is therefore considered that the site is acceptable with respect to contamination with the imposition of conditions on any outline permission granted.

## **Conclusion**

The application seeks permission in outline for B1 (b) & (c), B2 and B8 uses on a site that is allocated for Industrial and Business Use within the adopted Rotherham Unitary Development Plan. The proposal is therefore considered to be acceptable in principle and in accordance with the provisions of the NPPF, Policy CS9 'Transforming Rotherham's Economy' and UDP Policy EC3.1 'Land identified for Industrial and Business Use' which supports B1, B2 and B8 uses.

The proposal is not considered to have any adverse effect on the character of the area or on residential amenity and therefore is considered to comply with UDP policy EC3.1 'Land Identified for Industrial and Business Uses'.

Furthermore the impact of the proposal on the local and strategic network is considered to be minimal. The site is considered to be in a sustainable location with access to public transport and subject to the submission of a robust Travel Plan and Car Parking Management Strategy, the development is not considered to have a detrimental impact on the free flow of traffic within the immediate locality. The development is therefore considered to be in accordance with the policies of achieving sustainable development in the NPPF, Policy CS3 'Location of New Development' and with UDP policy T6 'Location and Layout of Development'.

With regards to drainage, the proposal is considered acceptable in this respect and full details should be submitted at the reserved matters stage. Turning to landscaping and ecology, it is considered that the site can be appropriately landscaped, subject to the submission of full details with a reserved matters application, and that recommended mitigation measures are appropriate to encourage biodiversity gain at the site. The site has previously been levelled to create a development platform, and with regard to ground contamination, the imposition of conditions on any permission would render the proposal acceptable from this point of view.

It is therefore recommended that planning permission be granted subject to the following conditions.

## **Conditions**

01

- a. Application for approval of reserved matters must be made within three years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
  - I. The expiration of five years from the date of this permission; OR
  - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.



#### 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)

- Site Location Plan – NIK BBA Z3 XX DR A 01001 D5 Rev P2

#### Reason

To define the permission and for the avoidance of doubt.

#### MATERIALS

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 Policy CS28 'Sustainable Design'.

#### TRANSPORTATION

04

Any future development on this site shall provide on-site car parking facilities that do not exceed the Council's Maximum Parking Standards.

#### Reason

In order to promote sustainable transport choices.

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 time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

#### Reason

In order to promote sustainable transport choices.

## DRAINAGE

06

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, have 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 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.

07

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, 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 policy ENV3.7 'Control of Pollution'.

08

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).

09

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water 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 planting

## LANDSCAPE AND ECOLOGY

10

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. 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', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

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'.

12

A biodiversity mitigation & enhancement strategy, including all measures in the AES Ltd. Extended Phase 1 Habitat Survey report (October 2015), a schedule for implementation and long-term maintenance plans shall be submitted with any future Reserved Matters application. The development shall thereafter be carried out in accordance with the approved details.

#### Reason

To enhance the biodiversity gain in accordance with the NPPF.

### CONTAMINATED LAND

13

In the absence of any further testing to delineate phytotoxic contaminated soils identified, a clean cover/capping layer comprising of a minimum of 600mm clean suitable growing medium, underlain by a lower geotextile separation layer (in order to prevent mixing of soils), shall be provided in all proposed areas of soft landscaping. In those proposed areas of landscaping it is recommended that only sub-soil is used as the capping layer as the wildflowers require less fertile ground to flourish.

#### 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.

14

If subsoil's and topsoil's are required to be imported to site for soft landscaping works then these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to site then the results shall thereafter be presented to the Local Authority in the format of a Validation Report.

#### 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.

15

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the development has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

#### 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.

16

A Design sulphate classification of DS-4 and the corresponding aggressive chemical environment for concrete (ACEC) AC-4 should be adopted for all sub

surface concrete, together with additional protective measures (APMs). The additional protection shall comprise a 50mm layer of sacrificial concrete (as per the specification in RSK Environmental Limited's letter entitled 'AMP Extension Land – Ground Conditions – Gas Risk and Concrete Classification, dated 20 November 2013, ref M321367-L02). This is due to the elevated soluble sulphate content within the soils and made ground across the site.

#### 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. This is due to the elevated soluble sulphate content within the soils and made ground across the site.

17

Prior to development suitable water supply pipes will need to be specified and approved in writing by the Local Planning Authority to ensure resistance from chemical attack from residual contaminants remaining in the ground.

#### 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.

18

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

#### 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.

## ENVIRONMENTAL

19

No part of the land other than that occupied by buildings shall be used for the permanent storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

#### Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with UDP Policy CS28 'Sustainable Design'

20

Prior to the commencement of development a Construction Management Plan shall first be submitted to and approved in writing by the Local Planning Authority detailing the following:

- Wheel washing facilities
- Hours of operation
- Methods to control dust emissions
- Noise levels and specifications of reversing alarms fitted to vehicles
- Contact name and telephone number of Officer responsible for immediate investigation of complaints

The construction shall thereafter be carried out at all times in accordance with the approved details.

#### Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'

21

The building hereby approved shall be designed to achieve BREEAM Very Good rating as a minimum. Prior to the commencement of the development of each building a BREEAM Assessors report shall be submitted to and approved in writing by the Local Planning Authority. The building shall subsequently be developed in accordance with the approved details.

#### Reason

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

#### NOISE

22

Prior to the occupation of the building a noise assessment in accordance with BS4142 shall be submitted to and approved in writing by the Local Planning Authority. All conclusions and recommendations contained within the approved assessment shall be implemented prior to the first use of each building.

#### Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

#### 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.