

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON  
THE 12<sup>th</sup> December 2024**

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

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**REPORT TO THE PLANNING BOARD TO BE HELD ON THE  
12<sup>th</sup> December 2024**

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

<b>Application Number</b>	<b>RB2022-1144 <a href="https://rotherham.planportal.co.uk/?id=RB2022/1144">https://rotherham.planportal.co.uk/?id=RB2022/1144</a></b>
<b>Proposal and Location</b>	<b>Demolition of existing dwellinghouse and erection of 2 No. dwellinghouses, 792 Upper Wortley Road, Kimberworth</b>
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



## **OFFICER'S REPORT**

### **1. Site Description & Location**

The site is an existing vacant two storey dwelling located along the busy Upper Wortley Road. The dwelling is in a poor state of repair and includes a long triangular rear garden. The dwelling is accessed from a shared drive with Thorpe Hesley Primary School.

In the past couple of years a new Jones Homes housing estate has been erected to the side of the dwelling, which includes two storey dwelling backing onto the site.

### **2. Background**

RB2018/0050 - Demolition of existing dwellinghouse & erection of 2 No. dwellinghouses - WITHDRAWN

RB2019/0200 - Demolition of existing dwellinghouse & erection of 2 No. dwellinghouses - GRANTED CONDITIONALLY

### **3. Proposal**

The applicant seeks full permission for the demolition of the existing dwelling and the erection of 2, two storey detached four bedroom dwellings. The dwellings will be 7.9m high.

Both dwellings will be served from a new access onto the Upper Wortley Road.

### **4. Development Plan Allocation and Policy**

The adopted Local Plan consists of the Core Strategy which was adopted by the Council on the 10th September 2014 together with the Sites and Policies Document (adopted on 27/06/18).

The local Plan indicates that the site is in an area identified for 'Residential' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

CS14 'Accessible Places and Managing Demand for Travel'

CS28 'Sustainable Design'

SP11 'Development in Residential Areas'

SP12 'Development on Residential Gardens'

SP33 'Conserving and Enhancing the Natural Environment'

SP55 'Design Principles'

SP56 'Car parking'

## **5. Other Material Considerations**

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

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

## **6. Publicity**

The application has been advertised by way of individual neighbour notification letters to adjacent properties and a site notice. 10 letters of objection have been received including one from Thorpe Hesley School stating that:

- Impact on privacy: The new buildings would overlook existing properties including gardens
- Loss of sunlight/daylight: The 3-storey buildings would block sunlight to existing properties and reduce natural light entering existing homes and gardens
- Out of character with surroundings: The 3-storey dwellings would be out of scale with existing neighbourhood
- Insufficient space: The plot of land is too small to accommodate the two dwellings.
- Increased noise and disturbance,
- Traffic and safety concerns: Increased vehicles on back lane may impact children's safety accessing nearby school
- Lack of prior notice: Residents were unaware of development plans when purchasing their homes on the new Jones Homes estate.

Thorpe Hesley School state:

We feel that there will be a significant amount of disruption if this planning application goes ahead. The properties will directly overlook the school grounds. The only current access to the land is off the school driveway which is extremely busy with children and parents. It is also the only school access for vehicles which include staff and deliveries.

The planning has been submitted on numerous occasions and has been rejected, I can see no change in the plans to warrant it being passed this time.

The adjoining wall which is on the public footpath is in a poor state of repair and has fallen down in places.

Five people have requested the right to speak including the applicant.

## **7. Consultations**

RMBC - Transportation and Highways: No objections to the amended plans removing the access close to the school, subject to relevant conditions.

RMBC – Environmental Health: No objections subject to standard electric car charging condition and mitigation measures to reduce the impact of noise.

SY Broadband: Recommends informative regarding high speed broadband.

The Coal Authority: No Objection subject to conditions

RMBC Land Contamination: No objections subject to appropriate conditions

## **8. Appraisal**

The main considerations in the determination of this application are:

- Principle of development, including design and impact upon neighbours and the character of the area
- Highways
- Noise
- Coal Mining Risk
- Ecology and landscaping

Principle of development including design and impact upon neighbours and the character of the area:

Policy SP 11 “Development in Residential Areas” states that “Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.”

SP 12 ‘Development on Residential Gardens’ states that: “Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- a. the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and
- b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness; and
- c. development would not result in harm to the character of the area.”

Firstly in terms point ‘a’ the site is limited in size and not suitable for a comprehensive redevelopment of the area for further housing.

In terms of point 'b' and the harm to existing properties is considered in subsequent sections of the report. Policy SP55 'Design Principles' states that: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

g. the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."

The proposed new dwellings are designed to so as not overlook each other being set 22m apart. Internally, within the site it is considered that adequate separation distances are achieved to prevent the proposed dwellings overlooking each other.

The rear dwelling is proposed to be 7.9m high and its position within the site is set 2m off the boundary with Aldwarke Close. The distance to the rear elevations of properties to the west is approximately 14 m. The front most plot is situated over 15 metres from the rear elevations of neighbouring properties and is separated by the proposed access.

The South Yorkshire Residential Design Guide suggests that a distance of 12 metres should be maintained between existing habitable room windows and blank gable walls of new development. This proposal is in excess of that distance and the orientation will result in minimal overshadowing of the garden areas of neighbouring properties during the early morning but this will lessen as the day goes on. The applicant has worked with the Council to reduce the overall height of the new dwellings to reduce the impact on neighbouring properties and whilst it is accepted that the development would introduce a new building to the rear of existing properties, the relationship is considered to be similar to those commonly seen in new residential developments. Overall, it is not considered that it would result in a significant material impact on residential amenity sufficient to warrant a refusal of planning permission.

Finally in terms of criteria 'c' relating to the impact on the character of the area; Policy SP55 'Design Principles' states that: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions.

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

Paragraph 126 of the NPPF states that: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.”

Paragraph 130 of the NPPF states that: “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;”

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

The existing dwelling on the site is in a poor state of repair and overall, the redevelopment of the site would be an improvement to this part of the street. The dwelling on the opposite side of the access road has recently been extended and modernised and includes designs which are similar in architectural style to the proposed dwellings on the application site. The proposed dwellings are considered to be of a modern design and are high quality in relation to the materials and architectural detail proposed. They reflect the height and massing of other dwellings in the streetscene and those in the new Jones Homes housing estate. The dwellings include large elements of glazing in a more modern style which is appropriate for this setting, which includes other similar modern looking dwellings.

The scheme is therefore considered to accord with Policy SP55 ‘Design Principles’ or paragraphs 126 & 130 of the NPPF in that the scheme is sympathetic to the character of the area.

#### Highways issues

In assessing highway related matters, Policy CS14 ‘Accessible Places and Managing Demand for Travel,’ notes that accessibility will be promoted

through the proximity of people to employment, leisure, retail, health and public services by (amongst other):

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

The initial submission included the front dwelling accessed of the school drive. The school raised concerns about this access due to conflicts with school access. The applicant has amended the access so both dwellings are accessed directly from Upper Wortley Road. This will remove conflicts with the school access. The Council's Highway Officer has no objections to the amended access subject to appropriate conditions. The level of car parking proposed is considered to be acceptable.

#### Noise

It is noted that the previous approval included a detailed noise assessment, the Council's Environmental Health Team still consider its outcome valid and has recommended an appropriate mitigation condition should be attached, should permission be approved.

#### Coal Mining Risk

The Coal Authority has confirmed that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the application site lies in an area where coal mining has taken place at shallow depth and where further historic unrecorded shallow underground coal mining is likely to have occurred. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The applicant has submitted a detailed Coal Mining Risk Assessment that the Coal Authority consider acceptable subject to a number of conditions and informative to ensure the development is constructed in accordance with the recommendations of the risk assessment.

In addition to the coal mining conditions the Council's Land contamination Officer has also recommended a number of conditions to ensure the that the land is contaminate free and that any new soils brought onto site are appropriate.

#### Ecology and landscaping



SP33 'Conserving and Enhancing the Natural Environment' indicates that:  
*Development should conserve and enhance existing and create new features of biodiversity and geodiversity value. Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures....or provide an adequate level of compensation. The aim of mitigation and compensation should be to respond to impact or loss with something of greater value; the minimum requirement will be to maintain 'no net loss'.*

It is noted that the previous approval RB2019/0200, included conditions protecting boundary hedging. However, since this approval the Jones Homes estate has been erected, which has resulted in the loss of the hedgerow boundary. As such the site now mainly consists of rubble from the demolished outbuildings and a few overgrown shrubs.

Turning the issue of biodiversity net gain, the application pre dates the net gain requirement. The site also now contains a lot of rubble with little in the way of vegetation on site. A condition has been attached requiring a landscaping soften the visual impact of the development and to provide some modest biodiversity enhancement. In addition a bat and bird box condition has been attached to encourage wildlife in the area and overall it is not considered that there would be a net loss of biodiversity on this site.

## **9. Conclusion**

Overall, the principle of residential development of this site is considered to be acceptable. The design of the dwellings is high quality and appropriate for the location where there are other modern properties in close proximity. Whilst the development introduces a new dwelling to the rear of the existing (and replacement) property it considered that adequate separation distances are in place to prevent a significant material impact on the amenity of neighbouring residents. The amendments to the site access now show both properties accessed from Upper Wortley Road and overall the application is recommended for approval subject to conditions.

### **Conditions**

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Amended Block Plan)

(Amended Plot 1 Elevations and Floor Plans MS/UWR/24 - 04 A)

(Amended Plot 2 Elevations and Floor Plans MS/UWR/24 -05 A)

(Amended Streetscene Elevations MS/UWR/24 – 06)

Reason

To define the permission and for the avoidance of doubt.

03

No above ground 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.

05

The sight line indicated on the proposed site layout shall be provided at all times. The area within the visibility splay shall be a maximum 900mm above the height of the nearside road channel.

Reason

In the interest of Highway Safety

06

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

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

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

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

Reason

In the interests of highway safety and sustainable drainage.

07

Concurrent with the construction of the new vehicular access to Upper Wortley Road, the existing vehicular accesses to the adjacent private drive shall be permanently closed.

Reason

## In the interest of Highway Safety

08

No above ground development shall commence (excluding the demolition of existing structures) until remedial stabilisation works and any mitigatory measures necessary to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

### Reason

The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework

09

Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

### Reason

The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework

10

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

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

-Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

11.

Details of a bat and bird box to be installed on the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved bat and bird boxes shall be installed prior to occupation of the new dwellings.

Reason

In the interest of biodiversity net gain and in accordance with Local Plan Policy

12

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

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

13

Prior to above ground works commencing and subject to the findings of item 1 above, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given

two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

14

Subject to the findings of item 1 above and prior to development commencing, a Detailed Design Report for Gas Mitigation Measures will be provided for review and comment and shall provide details of the identified gas protection measures required, complete with drawings to show how the gas protection measures will fit into the overall building designs.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

15

Post construction, a Gas Verification Report is to be provided for each building to confirm that the measures constructed/installed meet the required standards. Inspection reports for each building will be forwarded to the Local Authority for review and comment.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

16

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

17

If subsoil/topsoil materials are required to be imported to site for use in garden areas, then these materials will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination

and will not present a risk to future users of the site and the environment.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

18

Following completion of any remedial/ground preparation works a Verification Report will be forwarded to the Local Authority for review and comment. The Verification Report shall include details of materials imported to site, copies of chemical analysis reports confirming materials brought to site are free from contamination and will contain Waste Transfer notes if applicable. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

**Informative**

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

[www.gov.uk/get-a-permit-to-deal-with-a-coal-mineon-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mineon-your-property).

2 - Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found at:

[www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-forapplicants-for-incidental-coal-agreements](http://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-forapplicants-for-incidental-coal-agreements).

### 3 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

#### 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>RB2024-0466</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/0466">https://rotherham.planportal.co.uk/?id=RB2024/0466</a>
<b>Proposal and Location</b>	Erection of 6 residential dwellings, Land off London Way, Thorpe Hesley, Rotherham
<b>Recommendation</b>	<p>A. That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• 1 Affordable Housing Unit on site (First Home unit)</li> <li>• Establishment of a Management Company to manage and maintain the areas of Greenspace on site.</li> </ul> <p>B. Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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





## **OFFICER'S REPORT**

### **1. Site Description & Location**

The application site relates to an area of land which lies off London Way in Thorpe Hesley. This site was never developed when the adjacent site area was approved for housing (Jones Homes development for 144 units under RB2017/1484).

The site approximately 0.25Ha in size. Outside the site area is an area of land whose ownership is currently unknown and this cannot form part of the site area and therefore the site does not have any immediately adjacent boundaries with the neighbouring Jones Homes site area.

This along with the wider site area is included within a single housing allocation H39 which also includes the larger Jones Homes to the east of the site.

There are boundary trees along the northern half of the site which are not protected under a TPO and is not within a Conservation Area.

Site levels are broadly level across the site.

The area around the site is predominantly residential, and the neighbouring site directly to the east (also part of allocation H39) is currently in the latter stages of being built out and has a live permission for residential development for 144 units (original application RB2017/1484).

### **2. Background**

This site does not have any specific planning history.

It is noted that the site to the east has a live permission for residential development for 144 units (original application RB2017/1484) and this is being built out.

### **3. Proposal**

The application is to build a total of 6no. new dwellinghouses on the site. This has been reduced from 7no. properties which was proposed on the original submission.

The new properties all have an access from London Way to the west of the site. The scale of the plots are proposed to be a full two storey in height.

The substation in the northern area of the site is excluded from the development area.

A tree survey has been submitted in support of the development and this can be summarised as follows:

- Two trees (T3 and T6) and one group of trees (G17) require removal to accommodate the proposals. These include 1 category 'B' tree and 2 category 'C' trees/groups.
- The layout has been arranged to retain most of the larger mature trees which provide some screening for the site.
- G17 comprises approximately 17 multiple-stemmed Ash trees which have limited amenity value within the site.
- T4, T5 and T13 are category 'U' trees and therefore require removal for arboricultural reasons.
- The removal of trees for development can often be mitigated (either partially or entirely) by the planting of suitable specimens within a landscaping scheme. Whilst not always necessary, the planting of trees can improve the aesthetic value of the surrounding area and may be conditioned in the usual manner.

A revised Biodiversity Metric has been provided which indicates the following:

- A net loss of 0.1242 habitat units, but an overall net gain in linear units and it is a pre-mandatory application.

#### **4. Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 28th June 2018.

The application site is allocated for residential purposes in the Local Plan (H39). 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

CS7 Housing Mix and Affordability

CS28 Sustainable Design

Sites and Policies

SP11 Development in Residential Areas

SP26 Car Parking Layout

SP32 Green Infrastructure and Landscape

SP33 Conserving and Enhancing the Natural Environment

SP55 Design Principles

SP56 Car Parking Layout

#### **5. Other Material Considerations**

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 revised NPPF came into effect in December 2023. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

South Yorkshire Residential Design Guide.

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

## **6. Publicity**

The application has been advertised by way of individual neighbour notification letters to adjacent properties along with several site notices. A total of 22 representations have been received and these can be summarised below:

- Existing car parking problems will be exacerbated by increasing pressure on the existing road space as well as removal of some of existing road space.
- The area is used as a parking zone and pickup location for people commuting and car sharing via the motorway which is in close proximity to the site.
- These cars are often parked all day, sometimes for longer periods.
- Objection against the creation of 2no. additional accesses – it would be better for access to come from the existing Jones Homes site.
- The site is in close proximity to Thorpe Hesley Primary School.
- Further pressure put on the school through increased demand for school places.
- Objection from the newly built properties from overshadowing and reduction in sunlight.
- Concerns about further loss of trees and wildlife.

In addition 6 Rights to Speak have been received, including the applicant.

## **7. Consultations**

RMBC

Transportation Infrastructure Service – no objections subject to conditions along with the approval of a Traffic Regulation Order

Drainage – no objections subject to condition

Tree Services – no objections subject to condition

Ecologist – no objections subject to condition

Landscape – no objections

Affordable Housing – overall no objections

External

Yorkshire Water – no objections subject to condition

## **8. Appraisal**

The main considerations of the application are as follows:

- The principle of development
- Highway safety issues
- The design of the proposal, impact on the street scene and character of the immediate surrounding area and nearby residential properties
- Impact on trees
- Affordable Housing
- Other issues

### Principle of development

The application site is located in an area allocated residential within the adopted Local Plan and there is an existing property on the site.

Whilst the principle of a residential development would be acceptable in purely land use terms, the assessment of the design and details of any new development will be critical and this will be considered in the paragraphs below. In particular the scale and density of the new development in comparison with those in the surroundings and with the adjacent residential site currently under construction.

### Highway safety issues

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel. Policy CS14 is supported by paragraphs 108 and 110 of the NPPF.

Paragraph 115 of the NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy SP 56 'Car Parking Layout' indicates that layouts must be designed to:

- a. reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street;*

- b. discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway; and*
- c. ensure in-curtilage / on plot parking does not result in streets dominated by parking platforms to the front of the property or large expanses of garage doors fronting the street.*

It is noted that the majority of the objections received all indicate that highway parking issues are currently a problem in the area and that due to the proximity of junction 35 of the M1, this encourages drivers from outside the area to park in this location to car share. This, however, is not something that can be controlled by the Council. It is also noted that the addition of 6 new houses all with onsite parking is considered to represent a small proportion of the overall parking total of the surroundings.

The Transportation Unit were of the view that the initial layout could not be supported. However, following the amended layout and access plans, which has also reduced the number of units from 7no. to 6no. this has overcome their original concerns. The Transportation Unit note that the development is split into two sites with 5no plots provided from one access on the southern part of the site and 1no plot having its own access on the northern half of the site.

They also note that the revised layout now shows the existing radius vehicle access to the existing sub-station has been amended to a new dropped kerb vehicle access crossing. This creates a continuous footway, in addition to a 2m footway along the site frontage, and amendments to the aisle widths for the proposed parking bays, in accordance with expected RMBC standards.

The Transportation Unit also note that the applicant's agent has confirmed that the investigation into the provision of a Traffic Regulation Order (TRO) to address parking concerns, will be funded by the applicant at a cost of £4,500.

Overall therefore and taking the above into account, the revised scheme which is of a relatively limited scale in comparison with the neighbouring site now conforms to the design advice in Local Plan Policy SP 56 'Car Parking Layout' along with the more general advice in national policy requirements of the NPPF.

There are no objection to the proposal from a highway safety, capacity and design context subject to conditions and the funding of a TRO (£4500) though this contribution will not form part of the S106 legal agreement and will be a separate highway matter.

The design of the proposal, impact on the street scene and character of the immediate surrounding area including neighbouring properties

Policy SP11 'Development in Residential Areas' states areas identified for residential shall be primarily retained for residential uses and all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

In terms of more general design considerations the revised NPPF at paragraph 131 states, in part, that: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.”* Paragraph 139 adds, in part, that: *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.”*

In terms of garden/amenity areas it is noted that the development shows the new properties will have an amenity area that exceeds the minimum recommended amenity area of 60sqm.

Ideally the areas around the site would be formally incorporated into the site area which would further improve amenity areas and allow for additional planting, as well as improving security to the proposed plots and neighbouring plots. However, the applicant notes that the extent of the red edge of the application does not abut Jones Homes (Yorkshire) site directly due to differing land ownerships. The area of land directly to the east is registered within the ownership of Sheffield City Council. The area to the south is not registered and the legal owner of that land is not known. This land has however been enclosed within the wider site area for a number of years. In this instance the site is considered to be of a sufficient width and length in order to accommodate 6no. detached units.

It is considered that there is not a singular regular form of development in the surrounding area, though the area is typically characterised by two storey terraced/semi-detached/detached properties that are of different ages.

In terms of overlooking to adjacent properties, the new properties all have rear outlooks facing eastwards onto the newly built Jones Homes estate. In this case all outlooks meet the minimum recommended outlook of 10m as defined in the South Yorkshire Residential Design Guide (SYRDG) and 21m first floor to first floor. It is not considered that the development will materially increase the levels of overlooking to the neighbouring plots and particularly those to the east.

Overall this revised development is considered to have sufficient regard to the surroundings and is in conformity with Local Plan policies CS28 Sustainable Design, SP11 Development in Residential Areas and SP55 ‘Design Principles’ as well as the general advice within the NPPF.

### Trees

The Tree Officer noted that the submitted Arboricultural Impact Assessment (Ref:21666a/EW) provided a fair assessment of the current tree stock, noting the collective value of trees along the roadside which contribute significantly to the area's visual amenity. These trees form a distinct green feature, enhancing the local landscape and providing ecological benefits. The Tree

Officer raised concerns with the initially submitted application layout and the high loss of existing trees.

However, following the amended layout which now allows the retention of 8no. of the existing trees as well as increasing the areas available for additional boundary planting to provide a green buffer along the boundary areas, this is considered to help safeguard some of the existing trees to be retained without root damage, and will allow adequate space for new tree plantings.

The Tree Officer is of the view that the revised scheme now provides an acceptable compromise between the retention of the more significant trees along with the provision of new areas of planting that is in proportion to the development site area.

Overall therefore it is considered that the applicant has demonstrated that this element of the proposal complies with policy SP32 'Green Infrastructure and Landscape'.

#### Biodiversity

SP33 'Conserving and Enhancing the Natural Environment' indicates that:  
*Development should conserve and enhance existing and create new features of biodiversity and geodiversity value. Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures....or provide an adequate level of compensation. The aim of mitigation and compensation should be to respond to impact or loss with something of greater value; the minimum requirement will be to maintain 'no net loss'.*

In this case the application site is not required to deliver 10% biodiversity net gain as the application was submitted before April 2024. Policy SP33 requires that new developments should demonstrate no net loss.

In this case there are public landscaped areas outside of private garden areas that are available for additional biodiversity provision. The applicant has confirmed that the existing baseline is 1.94 hedgerow and habitat units and the post development is 2.07 hedgerow and habitat units. The Council's Ecologist notes that for habitat units the application metric indicates a 0.1242 loss but this is compensated for with a net gain in linear units. As this is a pre-mandatory application (being submitted prior to April 2024) the Ecologist is satisfied that overall this application would achieve a no net loss.

It is also recommended that a condition be imposed which includes biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in addition to BNG no net loss and cannot be included in the metric. This is in line with the National Planning Policy Framework Paragraph 180 (d) which states that opportunities to

improve biodiversity in and around development should be integrated as part of their design.

Overall, subject to a biodiversity improvement condition along with additional landscaping and planting the development is considered to result in no net loss of biodiversity in accordance with policy SP33 'Conserving and Enhancing the Natural Environment'.

### Affordable Housing

CS7 Housing Mix and Affordability indicates that proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure... *The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:*

- i. Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site*
- ii. Sites of less than 15 dwellings or developments with a gross site area of less than 0.5 hectares; 25% affordable homes on site or a commuted sum of £10,000 per dwelling...*

In this instance the site is approximately 0.25 hectares in size and is looking to provide 6 residential units. Whilst this falls below the threshold for the provision of Affordable Housing in isolation, the site is part of the wider Housing Allocation (H39) within the Local Plan. The larger portion of the site is currently being developed. It is understood that there were discussions about the inclusion of this site to enable a comprehensive development during the course of earlier planning permissions. However, there were land ownership differences at that time and this smaller site was not forthcoming and has remained undeveloped. However, Jones Homes are now bringing forward part of the wider allocated housing site and this is clearly directly adjacent and forms part of the overall allocation. The Council's Affordable Housing SPD is clear in terms of cumulative development and states that:

*"The full requirement for the cumulative policy requirement of all the sites shall be required otherwise planning permission shall be refused."*

It is considered therefore that Affordable Housing is necessary as part of the overall provision. The adjacent site has already provided 25% Affordable Housing units. Based on a combined total of units it is proposed to provide 1 no. additional Affordable unit on the application site. This is proposed to be provided as a First Home would satisfy the criteria of policy CS7. This would form part of a S106 legal agreement.

### Noise

The Environmental Health department have accessed the supporting documentation (ref Acoustic Survey Report undertaken by S & D Garritt Ltd, dated 22<sup>nd</sup> March 2024). They concur that the assessment has been carried out taking into consideration internal ambient noise levels and external



amenity areas in accordance with BS8233:2014 and the Acoustics Ventilation and Overheating Residential Design Guide (AVO).

The noise impact assessment concludes that internal ambient noise levels and noise levels in external amenity areas can be achieved provided appropriate glazing, ventilation and fencing are provided.

There is also the potential for noise and dust nuisance to the occupiers of nearby residential dwellings during the construction phase, as well as accumulations of mud on the highway. Therefore, conditions will need to be imposed to protect local residents.

However, overall and subject to conditions, the EHO has not raised any specific issues from a noise or pollution control standpoint.

### Other issues

#### Drainage

The Drainage Officer has not raised any specific objections to the proposal from a surface water drainage perspective.

Yorkshire Water have raised no objections, subject to standard conditions.

#### Coal Authority

The Coal Authority records indicate the site lies within an area of both recorded and probable historic unrecorded shallow coal mining.

The planning application is accompanied by a Phase 1 Geoenvironmental Risk Assessment and Phase 2 Ground Investigation Report (4342, December 2023) prepared for the proposed development by Michael D Joyce Associates LLP (Geotechnical and Geoenvironmental Consultants). The Report has been informed by historical, geological and coal mining information together with the results of ground investigations carried out to the main development site adjacent to the current application site by ARP Geotechnical Limited:

Combined Stage 1/Stage 2 Geoenvironmental Report - Reference JNS37r2, and dated 8<sup>th</sup> January 2019). The report author informs that the above Report should be read in conjunction with this latest report” as “matters relating to previous coal mining and ground gas monitoring have been specifically excluded at present”.

Overall the Coal Authority have raised no objections subject to a condition.

## **9. Conclusion**

Overall in land use terms, the site is allocated for residential purposes and the principle of a new development is acceptable. It is considered that the land available for a revised development of 6no. units is of an sufficient size and shape to accommodate the scale of development proposed. One Affordable Housing unit is to be provided on site.

The linear layout now proposed is considered to be of a satisfactory design which has sufficient regard to the general layout and character of the surroundings. The plots are set well back into the site which is considered to represent an acceptable compromise between achieving sufficient rear outlooks to existing properties to the north and east on adjacent sites as well as maintaining good levels of future landscaping provision.

The application achieves a no net loss in biodiversity across the site.

The application is recommended for approval, subject to conditions and the signing of the S106 agreement.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 17 and 19 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 17 and 19 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

### **General**

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Drawing numbers

Location Plan 0005-008 000 P2

Site Plan revised Layout 0005-008 005 P14  
Soft landscaping Plan 4123-2105 Rev D  
Swept Path Layouts car 163299-005, delivery van 163299-003 Rev A, large  
delivery van 163299-002 Rev A  
Visibility splays 163299-001 Rev A  
Elevations and Floor Plans Bentley BEN-M-P-01  
Elevations and Floor Plans Buckly BUC-N-P-(2024)-01  
Elevations and Floor Plans Keswick KES-M-P-01  
Garage elevations SDL-2020-092

Received 27.03.24, 02.09.24, 13.09.24, 23.09.24

#### Reason

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

03

No above ground 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 Local Plan Policies and the NPPF.

04

Prior to occupation of the first dwelling the approved boundary treatment (ref Boundary Layout Soft landscaping Plan 4123-2105 Rev D) shall be erected and thereafter retained for the duration of the development.

#### Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28.

#### Highways

05

Prior to the commencement of above ground works, details of the existing radius vehicle access to the substation that will require reinstating to provide a vehicle access height kerb with appropriate footway works, and the widening of the existing footway to 2m along the site frontage, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the first dwelling.

#### Reason

In the interests of road safety and pedestrian safety.

06

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

07

Prior to the first dwelling being occupied a Travel Pack shall be produced in the form of an introduction pack to the area with information on buses, trains, cycle and walking routes, local facilities such as schools, doctor's surgeries and other local facilities (shops, parks etc.) and submitted to and approved by the Local Planning Authority. The approved Travel Pack shall be provided for each new resident on first occupation of any dwelling.

Reason

In order to promote sustainable modes of travel.

08

Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for each dwelling.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason

In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives Chapters 2, 9 and 15 of the National Planning Policy Framework.

Yorkshire Water

09

The development shall be carried out in accordance with the details shown on the submitted, Proposed Drainage Strategy 24/111/500/002 24-111 dated 18/03/2024 prepared by Bryan G Hall Ltd, unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

In the interest of satisfactory and sustainable drainage.

#### Coal Authority

10

Prior to the occupation of the first residential unit, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of any intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

#### Reason

To ensure that the development is built safely and with regard to recorded and probable historic unrecorded shallow coal mining.

#### Environmental Health – Glazing and Ventilation

11

Glazing and ventilation shall be provided and installed to achieve the minimum noise reduction criteria as specified in section 3.3 - Plan of Suggested Acoustic Specification on page 14 of the Acoustic Survey Report undertaken by S & D Garritt Ltd, dated 22<sup>nd</sup> March 2024.

#### Reason

To safeguard the amenities of the future occupiers of the proposed development in accordance with RMBC Policy SP52 and parts 12 and 15 of the NPPF.

#### Acoustic Fences

12

Acoustic and boundary fences shall be provided and installed as specified in section 3.3 - Plan of Suggested Acoustic Specification on page 14 of the Acoustic Survey Report undertaken by S & D Garritt Ltd, dated 22<sup>nd</sup> March 2024. The fences shall be maintained in good order throughout the lifetime of this consent.

#### Reason

To safeguard the amenities of the future occupiers of the proposed development in accordance with RMBC Policy SP52 and parts 12 and 15 of the NPPF.

#### Land Contamination

13

If subsoils / topsoils are required to be imported to site for garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in 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.

14

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

#### Reason

To ensure 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

Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Planning 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 validation 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.

## Ecology

16

Before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

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

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

For each of the first 5 years of the Plans, a progress report shall be sent to the Local Planning Authority reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period.

The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme

### Reason

To ensure no net loss in biodiversity across the site.

## Trees

17

All onsite works shall be carried out in accordance within the approved Arboricultural Method Statement (ref BS5837:2012 21666c/EW, London Way, received 18.10.24).

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

### Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's

environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19 Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, CS28 Sustainable Design.

#### Landscape

18

Before the development is brought into use, the approved Landscape scheme as indicated on Dwg No Soft landscaping Plan 4123-2105 Rev D shall be implemented in accordance with RMBC Landscape Design Guide (April 2014) 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 the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with the Local Plan.

#### Construction Management Plan

19

All onsite works shall be carried out in accordance with the approved Construction Management Plan (ref Jones Homes JHY-1522-CMP received 21.11.24).

The approved measures shall be implemented throughout the construction period.

#### Reason

In the interests of highway safety and residential amenity.

### **Informatives**

01

The development should be designed and built to Secured by Design standards. [www.securedbydesign.com](http://www.securedbydesign.com)

02

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



03

#### Highways

The developer should note that condition 05 will require the developer to enter into a S278 agreement with the Council, the applicant should contact [david.phillips@rotherham.gov.uk](mailto:david.phillips@rotherham.gov.uk) in this regard.

#### Ecology – biodiversity improvement

04

- 1 bird integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The box can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.
- 1 swift box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Manthrope 'GSWB' Swift brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box. Alternatively, RSPB Swift Box may be more suitable for the development. The box(es) should be located high within the gable wall, ideally above 5m high, below the overhang of the verge and barge board.
- 1 bat box should be integrated into buildings on a southerly aspect / orientation (south, south west, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants.

#### Ecology - general

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

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

In the absence of mitigation, where vegetation removal is scheduled during March– August (inclusive), there is potential for active bird nests to be destroyed during Site vegetation clearance works.

As such, any vegetation removal should ideally be programmed to be undertaken outside of bird breeding season, i.e. between September and February (inclusive). If it is not possible to schedule clearance works for these months, a nesting bird check by a suitably qualified Ecologist will be required no more than two days prior to vegetation clearance, to identify the presence of active bird nests.

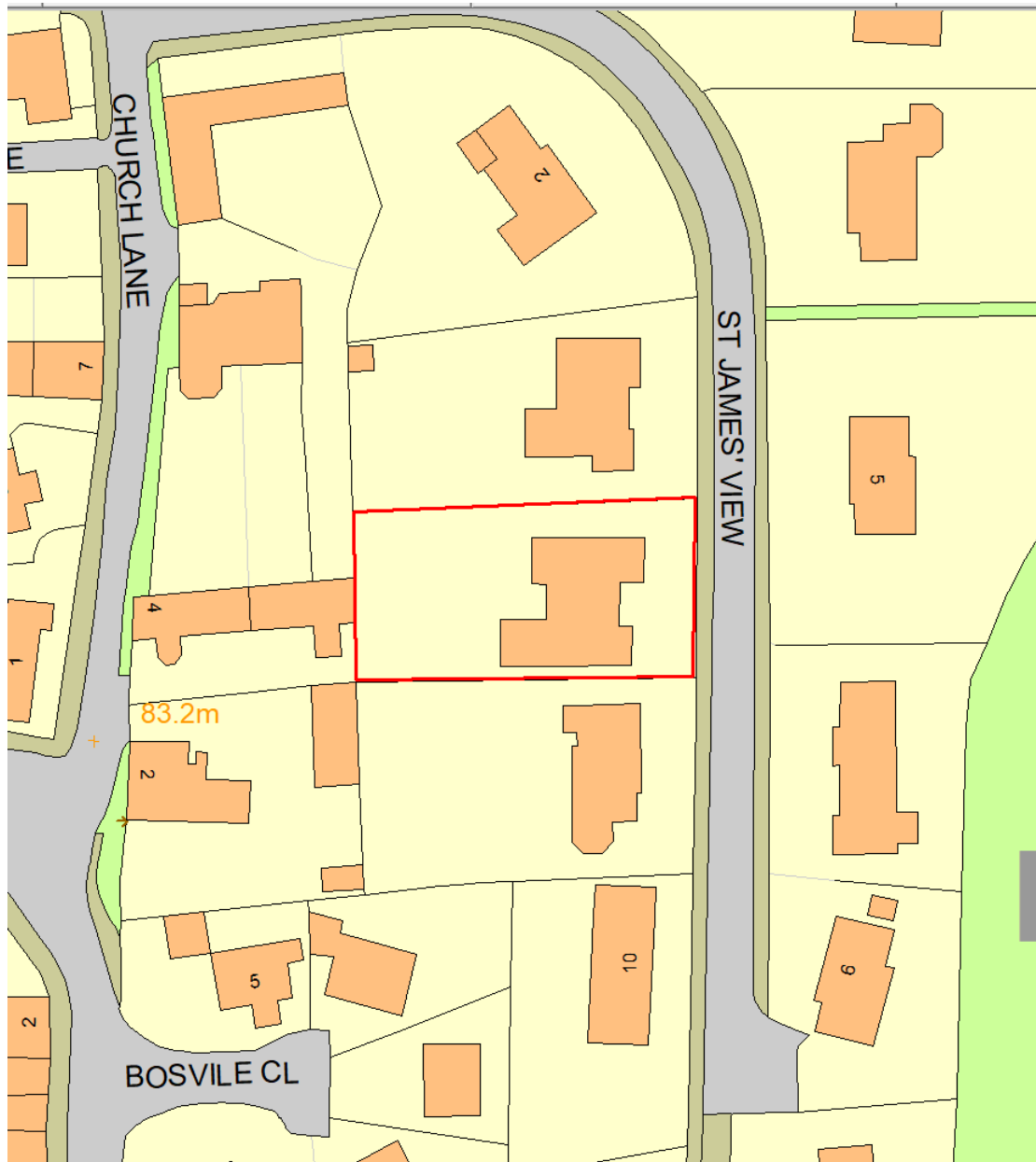
An active nest would require an exclusion zone to be established and adhered to until chicks have fledged and/or the nest is no longer in use (to be monitored and confirmed by an Ecologist).

#### 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 in respect of the indicative layout so that it was in accordance with the principles of the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2024/1511</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/1511">https://rotherham.planportal.co.uk/?id=RB2024/1511</a>
<b>Proposal and Location</b>	Demolition of existing dwelling and erection of new detached dwelling at 6 St James View, Ravenfield
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



### Site Description & Location

The site of application is a detached dwelling, on St James View, Ravenfield, located on land allocated in the Green Belt. The property is also within Ravenfield Conservation Area. The property is set on a road comprising of

other detached properties of individual designs on generous plots dating from the early 1980s, including a mix of two storey dwellings and bungalows.

The property in question has been extensively altered and extended by raising the roof height, installing rear dormer windows, and side and rear extensions.

## **Background**

The relevant planning history on the site is as follows:

RB1979/2773: Dwellings & garages at Plots 6 & 8 Off Church Lane Ravenfield - GRANTED CONDITIONALLY 17/10/79

RB2011/0979: Increase roof height, installation of dormer windows to front and rear, recessed balcony to rear, porch to front and single storey side and rear extensions. - GRANTED CONDITIONALLY 06/09/11

RB2023/0669: First floor rear extension, two storey front extension and erection of detached garden room - REFUSED 16/02/24 for the following reasons:

01

The proposed extensions represents a disproportionate additions to the dwelling and is therefore inappropriate development in the Green Belt. When combined with previous extensions the development has a materially adverse effect on the openness of the Green Belt. No very special circumstances have been demonstrated to overcome the harm caused by the inappropriate development, and other harm caused, and consequently the proposal is in conflict with Policy CS4 'Green Belt' and the Councils SPD 'Development in the Green Belt' and the guidance contained within the NPPF.

02

The two-storey front extension represents an addition which would dominate the appearance of the front of the house and would be harmful to the appearance of the property within the street scene and Conservation Area. The proposed extension is therefore contrary to advice within the SPD Householder Design Guide and Policies CS28, SP55 CS23 and SP41 of the Local Plan.

This application was subsequently Appealed and Dismissed on 20/08/2024. The Planning Inspector dismissed the appeal based on the first reason for refusal on the impact on the Green Belt. However, the Inspector did not uphold the second reason for refusal based on design.

RB2023/1077: Application for Lawful Development Certificate re: Erection of two 4m rear single-storey extensions and detached outbuildings - REFUSED 29/09/23

RB2023/1441: Application for Lawful Development Certificate re: Proposed single storey rear extension and erection of 2 No. detached outbuildings - GRANTED 13/12/23

RB2024/0354: Demolition of existing and erection of new detached residential dwelling – REFUSED 12/07/2024 for the following reasons:

01

The design and appearance of the proposed dwelling would appear out of character with the streetscene of St James View and would fail to preserve or enhance the character and appearance of the Ravenfield Conservation Area. The proposed design is therefore contrary to Policies CS23, CS28, SP55 and SP41 of the Local Plan.

## **Proposal**

The proposal is for the demolition of the existing dwelling and the construction of a replacement single storey dwelling with rooms in the roofspace with a contemporary design, utilising two projecting gables to the front elevation along with a central pitched roof dormer.

The property would be constructed of natural stone to the ground floor with render above. Vertical timber cladding would be included on the ground floor central front and rear sections of the property.

The rear elevation would largely match the form of the front in terms of design.

There would be habitable room windows to the ground floor side elevations with obscure glazed windows on the first floor side elevations.

The property would measure approximately 18 metres in width and 19 metres in depth with a height to the eaves of 3.8 metres and to the ridge of the roof of 7.7 metres.

The existing property measures approximately 18 metres in width and 19 metres in depth with a height to the eaves of 3.25 metres with the height to the ridge of the roof of 7.53 metres.

The applicant has submitted details of the volumes of the existing and proposed dwellings. The existing property as extended has a total volume of approximately 1,440 cubic metres. The proposed dwelling would have a total volume of approximately 1,584 cubic metres.

The design, scale and appearance the property is very similar to the previous application RB2024/0354 which was also for the demolition of the dwelling and the erection of a replacement dwelling, and was refused solely on design grounds (no appeal was submitted in respect of that refusal). The only difference is the introduction of render to the first floor front and side

elevations and the use of natural stone at ground floor level instead of brick, which was proposed as part of the previous application.

### **Development Plan Allocation and Policy**

The adopted Local Plan consists of the Core Strategy which was adopted by the Council on the 10th September 2014 together with the Sites and Policies Document (adopted on 27/06/18).

The application site is allocated for Green Belt purposes in the Local Plan, (and also falls within the Ravenfield Conservation Area). For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan Policies:

CS4 - Green Belt  
CS23 – Valuing the Historic Environment  
CS28 - Sustainable Design

Sites and Policies Document Policies:

SP2 – Development in the Green Belt  
SP6 – Replacement Buildings in the Green Belt  
SP41- Conservation Areas  
SP55 – Design Principles

### **Other Material Considerations**

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

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

Rotherham Adopted SPDs:

Development in the Green Belt  
Air Quality and Emissions  
Natural Environment

### **Publicity**

The application has been advertised by way of press and site notices, along with individual neighbour notification letters to adjacent properties. The Council has received 8 objections from local residents. The comments from neighbouring residents are summarised below:

- Inappropriate modern design and materials, does not fit into the locality and is harmful to the Ravenfield Conservation Area.
- Harms the openness of the Green Belt and is inappropriate development in the Green Belt without any very special circumstances demonstrated.
- This proposal could set a precedent for similar developments in the locality.
- Harm to local wildlife from the proposals.
- The new dwelling would lead to harm to the outlook, loss of light, overshadowing and overlooking of neighbouring properties.
- Harm to neighbouring amenity from noise and disturbance from building works and associated vehicles at the site, and risk to health from dust.
- The road is not appropriate for construction vehicles, this could pose a risk to highway safety and reduce access to emergency vehicles.
- The applicant is trying to manipulate the planning regulations trying to get around a previous refusal for extensions to the property which is unethical.
- Can the calculations be trusted and what happens if the development isn't built in accordance with the approved plans.
- The house should be built of brick to match other properties on the road.
- Concerns regarding drainage impact from the additional bathrooms and increase in surface water disposal which could lead to localised flooding.
- Object to the additional drop kerb at the site as no other properties have two accesses.
- The proposed outbuildings should be included in the volume increase of the proposed dwelling. Also querying why they are not shown on the submitted plans.
- Ridiculous to demolish a perfectly good property. Concerns raised about the carbon footprint generated by the demolition of the dwelling.
- Concerns about potential damage to neighbouring property during the demolition of the existing property and construction of the new dwelling.

Four right to speak requests have been received, one from the applicant and three from neighbouring residents.

### **Consultations**

RMBC - Transportation and Highways: Raise no objections to the proposals.

RMBC – Ecology: Raise no objections to the proposals subject to a biodiversity enhancement condition.

RMBC – Drainage: No objections from a drainage perspective, subject to the submission of foul and surface water drainage details. Flood resilience informative are also recommended to be appended to any approval.

## **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

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- (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 1990.

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

The main considerations in the determination of the application are:

- Whether the proposal represents inappropriate development within the Green Belt and its impact on the openness of the Green Belt.
- Design and visual appearance and impact on the Ravenfield Conservation Area.
- Impact upon neighbouring amenity.
- Highway impact
- Impact on ecology
- Other objections raised.

### Whether the proposal represents inappropriate development within the Green Belt and its impact on the openness of the Green Belt.

Core Strategy Policy CS4 Green Belts states that land within Rotherham's Green Belt will be protected from inappropriate development as set out in national planning policy. Policy SP2 – Development in the Green Belt, states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”, and that all proposals for development should satisfy other relevant policies of the Local Plan and National Guidance.

Policy SP6 'Replacement Buildings in the Green Belt' states that: “The replacement of buildings within the Green Belt is not inappropriate provided that the new building is in the same use and not materially larger than the one it replaces. The Council considers that an increase in excess of 10% in the



volume of the existing building would make the proposals materially larger and therefore inappropriate development in the Green Belt.”

The Council’s adopted Supplementary Planning Development - ‘Development in the Green Belt’ in respect of replacement buildings states that: “A replacement building should not exceed more than 10% of the volume of the existing building.”

The NPPF states at paragraph 152 that: “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

The NPPF makes it clear at paragraph 154 that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: (amongst other things): (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The existing property has a total volume of approximately 1,440 cubic metres and the volume of the new dwelling would be approximately 1,584 cubic metres which is within the 10% volume increase set out in Policy SP6 – ‘Replacement Buildings in the Green Belt.’ As such, the proposal does not represent inappropriate development within the Green Belt.

In terms of the impact upon the openness of the Green Belt the NPPF at paragraph 142 states that; “the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The site in question is located within a cul de sac within the village of Ravenfield, which is washed over Green Belt. The replacement dwelling would in form and height be similar to the existing dwelling. The increase in volume is accounted for by the very slight increase in footprint, and the additional roof space.

It is considered that the dwelling, though larger, would not appear unduly bulky or materially larger in this location. As such, it is considered that the replacement dwelling would not harm the openness of the Green Belt in this location.

Where larger replacement buildings are accepted, permitted development rights are likely to be removed in order that future extensions can be controlled so as to minimise the impact on the openness of the Green Belt. Any subsequent application for an extension to a replacement building will be judged on the volume of the building that it replaced, as originally built, for the purposes of judging whether it is acceptable or not.

In this instance it is noted that the replacement dwelling would be substantially larger than the original dwelling that was built on the site, due to previous

extensions built on the original dwelling. As such, it is considered appropriate to remove permitted development rights for any further extensions on the replacement dwelling to prevent it being enlarged further, over and above the volume of the original dwelling.

Finally, it is noted that a neighbouring resident has argued that a potential proposed outbuilding should be included in the volume of the replacement dwelling. Whilst this is noted, the outbuilding has been removed from the application and does not exist in any case. It could be built under permitted development rights and would not need planning permission. As such, it should not be included in the volume calculations for the proposed dwelling.

#### Design and visual appearance and impact on the Ravenfield Conservation Area.

The site of application falls within the Ravenfield Conservation Area. Under Section 69 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, a conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

In terms of the impact on the Conservation Area, Local Plan Local Plan Policy CS23 'Valuing the Historic Environment' states that: "Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (which includes amongst other things that): d. Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest."

Policy SP41 'Conservation Areas' states that: "Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles (amongst others) developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings."

The National Planning Policy Framework (NPPF) states at paragraph 200 that: "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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. 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."

The National Planning Policy Framework (NPPF) states at paragraph 201 that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

The National Planning Policy Framework (NPPF) further states at paragraph 205:

“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 (and the more important the asset, the greater the weight should be).

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.” The National Planning Policy Framework (NPPF) further states at paragraph 196 that that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

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

This approach is also echoed in the NPPF. Paragraph 131 of the NPPF states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”

It is noted that a previous application to extend the existing property (RB2023/0669) would result in an appearance very similar to that as proposed under the current application. The current application proposes the same external materials as the extension application, which was appealed. Namely a mix of natural stone, render and timber cladding. It is also very similar in appearance to the previous application to replace the existing dwelling

(RB2024/0354), with the only differences being the increased use of render to the first floor and natural stone instead of brick to the ground floor.

The application for the extensions (RB2023/0669) was refused planning permission, in part due to: "The two storey front extension represents an addition which would dominate the appearance of the front of the house and would be harmful to the appearance of the property within the street scene and Conservation Area." The application for the erection of a replacement dwelling (RB2024/0354) was refused for the same design reason. The proposed materials were never raised as an issue as part of the reasons for refusal for either application.

However, the extensions application (RB2023/0669) was subsequently appealed, and in respect of the impact of the design on the streetscene and the character and appearance of the Ravenfield Conservation Area, the Inspector stated that: "Notwithstanding my conclusions with regards to the effect of the proposal on the Green Belt, the proposed height and projection of the extension would match those elements of the existing front gable. This would add symmetry to the host building and would not be dominant in this context. Moreover, the Council does not take issue with the proposed materials and as such, there would be no harm to the host building. Moreover, the positive characteristics of the street scene which I have noted above would not be harmed by the front extension and it follows that harm would not occur to the Ravenfield Conservation Area."

The Inspector went on to conclude that; "the proposal would not harm the character and appearance of the host building, local area or the Ravenfield Conservation Area."

The extensions application the subject of the appeal utilised similar external materials as the application under consideration, with stone to the ground floor and render to the first floor with timber cladding the central sections to the front and rear. As such, the external appearance and materials of the Appealed application is in effect almost identical to the current application under consideration.

As such, it is accepted that in light of the recent Appeal Decision, the design, appearance and materials of the proposed replacement dwelling are acceptable and would not harm the character and appearance of the local area or the Ravenfield Conservation Area.

As such, it is considered that in design terms the proposal accords with Local Plan Policies CS23 'Valuing the Historic Environment', SP41 'Conservation Areas', and SP55 'Design Principles', as well as the guidance in the NPPF.

#### Impact upon neighbouring amenity

The supporting text to the Policy SP55 Design Principles states: "4.323 Development proposals will be required to demonstrate that they have appropriately taken account of and mitigated against any site constraints

which may have a detrimental impact upon amenity, including privacy, direct sunlight or daylight”.

In this instance the new dwelling is set within its own grounds on a very similar footprint and mass to the existing. The proposed dwelling, though slightly higher than the existing, due to its location would not appear overbearing against the boundary or harm the amenity of neighbouring residents in terms of outlook.

In terms of overlooking, it is noted that the proposed dwelling would have a number of windows on the side elevations, serving en-suite bathrooms and an office area/landing area. It is considered that there is potential for overlooking to take place from the office area/landing window and it is considered reasonable to append a condition requiring that the first-floor windows on the side elevations are obscure glazed and non-opening above 1.7 metres above finished floor level.

It is noted that the impact on neighbouring residents would be the same as, or very similar to, the impact of the previous proposals to extend the property or to provide a replacement dwelling, and no reasons for refusal on either of those applications related to the impact on neighbouring amenity.

Neighbouring residents have raised concerns about disturbance during the construction process from demolition and vehicle movements and potential harm to health for local residents. Whilst this is noted, it is considered that these are somewhat inevitable and apply to all developments to a certain extent, and any significant issues could be addressed by Environmental Health Service as a potential statutory nuisance.

#### Highway Impact

With regards to highway impact, it is noted that neighbouring residents have raised concerns about the impact on neighbours from construction vehicles accessing and egressing the site. In particular neighbours have raised concerns that the road is unsuitable for such vehicles. Whilst this is noted, the Council's Highway Engineer raised no concerns about the proposals from a highway perspective, or to the formation of an additional access and drop kerb to the property.

#### Impact on Ecology

Policy SP33 “Conserving and Enhancing the Natural Environment” states that “Development should conserve and enhance existing and create new features of biodiversity and geodiversity value.

Where, despite mitigation, there will be residual adverse impact on biodiversity or geodiversity value or on wider ecological networks, development should provide an adequate level of compensation. The aim of mitigation and compensation should be to respond to impact or loss with

something of greater value; the minimum requirement will be to maintain 'no net loss'."

The application is for a self-build dwelling by the applicant. As such, the application is exempt from the requirements for Biodiversity Net Gain (BNG) +10%. However, no net loss in biodiversity should be demonstrated. In this instance the proposed increase in footprint of the building would be minimal as the proposed dwelling would effectively sit on top of the footprint of the existing. As such, very little habitat would be affected by the proposals. The Council's Ecologist has raised no objections to the proposals in ecology terms, subject to a suitable biodiversity enhancement condition and an informative about bats if they are discovered in the property.

It is considered reasonable to append the recommended condition and proposed informative to any planning permission granted in this respect.

#### Other objections raised

Concerns were raised that this application could lead to a precedent for similar applications along the street and within the local area. It is considered that each application is considered on its own merits, with this application being considered to be acceptable in this instance.

Concerns were raised that the applicant is trying to manipulate the planning process and has no intentions to build this new dwelling, but to use it to justify further development at the site. Whilst this is noted, this application is being assessed on its own merits against current policies and guidance and is considered to accord with them. Any subsequent applications for alternative developments would have to be considered on their own merits as well.

In addition, a concern has been raised that it is to demolish a perfectly good property and the carbon footprint this would generate. It is noted that the demolition of the existing dwelling and construction of a new property would generate a significant carbon footprint. However, it is considered to be acceptable in this instance as any new dwelling would have to be constructed in accordance with current Building Regulations, which require very high levels of energy efficiency and insulation. As such, a new dwelling may well release less carbon than the embedded carbon contained in the existing dwelling, in addition to the carbon generated by the occupants of the dwelling, leading to a net decrease in carbon from the property over its lifetime.

Concerns were raised about drainage issues from the property due to an increase in bathrooms. Whilst this is noted, it is considered that a single replacement dwelling is unlikely to lead to an overwhelming of the local sewers. Drainage details would be approved under relevant Building Regulations. Concerns were also raised about potential increase in flooding from surface water run off from the site. Whilst this is noted, the Council's Drainage Engineers raised no concerns regarding potential surface water flooding from the site.

Concerns about potential damage to neighbouring property during the demolition of the existing property and construction of the new dwelling. Any damage caused would ultimately be a civil matter between the relevant parties.

Neighbours raised concerns that the calculations could not be trusted and raised concerns that the dwelling may not be built in accordance with the approved plans. The calculations have been checked and have been found to be correct. If planning permission was granted for this proposal and the development was not built in accordance with the approved plans this could be dealt with under separate enforcement powers.

## **Conclusion**

The proposed replacement dwelling does not represent inappropriate development within the Green Belt, and would not adversely impact on the openness of the Green Belt.

The design of the replacement dwelling is considered to be acceptable and would not appear out of character within the streetscene or harm the character and appearance of the Ravenfield Conservation Area.

There would be no significant impact on nearby residents in terms of overlooking or overshadowing, on highway safety or any other material planning consideration.

In view of the above it is recommended that planning permission is granted conditionally.

## **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 001/002/003/004/005/006/007)(received 21/10/2024)

Reason

To define the permission and for the avoidance of doubt.

03

No above ground 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.

04

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

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

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

Reason

In the interests of highway safety and sustainable drainage.

05

Prior to the occupation of the dwelling, details of a vehicle charging point shall be submitted to and approved by the local planning authority. The development shall not be occupied until the approved charging point has been provided, and it shall thereafter be retained.

Reason

In the interests of sustainable development and air quality.

06

Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented before the development is brought into use, and thereafter retained and maintained for their designed purpose in accordance with the approved scheme.

Reason

To promote biodiversity in accordance with Core Strategy Policy CS20 'Biodiversity and Geodiversity'

07

Notwithstanding the provisions Schedule 2, Part 1, Classes A, B, and D of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification),



no further extensions to the building shall be carried out, [other than those expressly authorised by this permission] without the prior permission of the Local Planning Authority.

**Reason**

To protect the openness of the Green Belt in accordance with Policies SP2 'Development in the Green Belt.'

**08**

The development hereby granted shall not be begin until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

**Reason**

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and in accordance with Policy CS25 of the Local Plan.

**Informative**

**01 BNG**

This development is not subject to the statutory Biodiversity Gain Plan condition because of the declaration on the application form that the development was exempt as a self-build.

**02 Ecology**

If a bat or evidence of bats using a feature on site is discovered prior to or during development all work should stop immediately. A licensed bat consultant or Natural

England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant.

The biodiversity enhancements required under Condition 07 shall include the following measures:

- 1 bird box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The box can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.

- 1 bat boxes should be integrated into buildings on a southerly aspect / orientation(south, south west, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants.
- Hedgehog holes between any fencing, railings, wall and gates to ensure the development is permeable to hedgehogs. These can be created by 13cmX13cm holes at ground level within fences or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. To ensure holes are kept open 'Hedgehog Highway' signage should be provided and secured above the holes.

### 03 Gigabit Broadband

The dwelling hereby approved should include measures to facilitate the provision of gigabit-capable full fibre broadband. Please contact SFSY (Super Fast South Yorkshire) at [hello@superfastsouthyorkshire.co.uk](mailto:hello@superfastsouthyorkshire.co.uk) PO Box 634, Barnsley, South Yorkshire S70 9GG, 01226 772215 for further information in this respect.

### 04 Control of working practices during construction phase (Close to residential)

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

### 05 Drainage

- 1 Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.
- 2 Developments should have floor levels set higher than the recorded flood level or a minimum of 300mm above proposed ground level.
- 3 Surface water drainage plans should include the following:
  - *Rainwater pipes, gullies and drainage channels including cover levels.*

- *Inspection chambers, manholes and silt traps including cover and invert levels.*
- *Pipe sizes, pipe materials, gradients and flow directions.*
- *Soakaways, including size and material.*
- *Typical inspection chamber / soakaway / silt trap and SW attenuation details.*
- *Site ground levels and finished floor levels.*

4 Surface Water Discharge From Brownfield Site:

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers / watercourses are to be increased.

A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 40% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

5 On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Guidance on flood pathways can be found in BS EN 752.

6 If the development is proposing to make a new highway drainage connection to an existing highway drainage system, detailed CCTV surveys and modelling of the existing highway drainage system will be required to determine the capability to accept additional flow. Discharge will be limited to greenfield run-off rates.

7 Whereby a private maintenance arrangement is proposed and the

development is unlikely to remain under single ownership or within a single curtilage over its lifetime a condition will require a satisfactory legal agreement to be drawn up to provide for inspection and maintenance of the proposed surface water drainage scheme. This legal agreement is required BEFORE the first occupation of any dwelling or building on the site. Over the lifetime of the development an agreement must include the following:

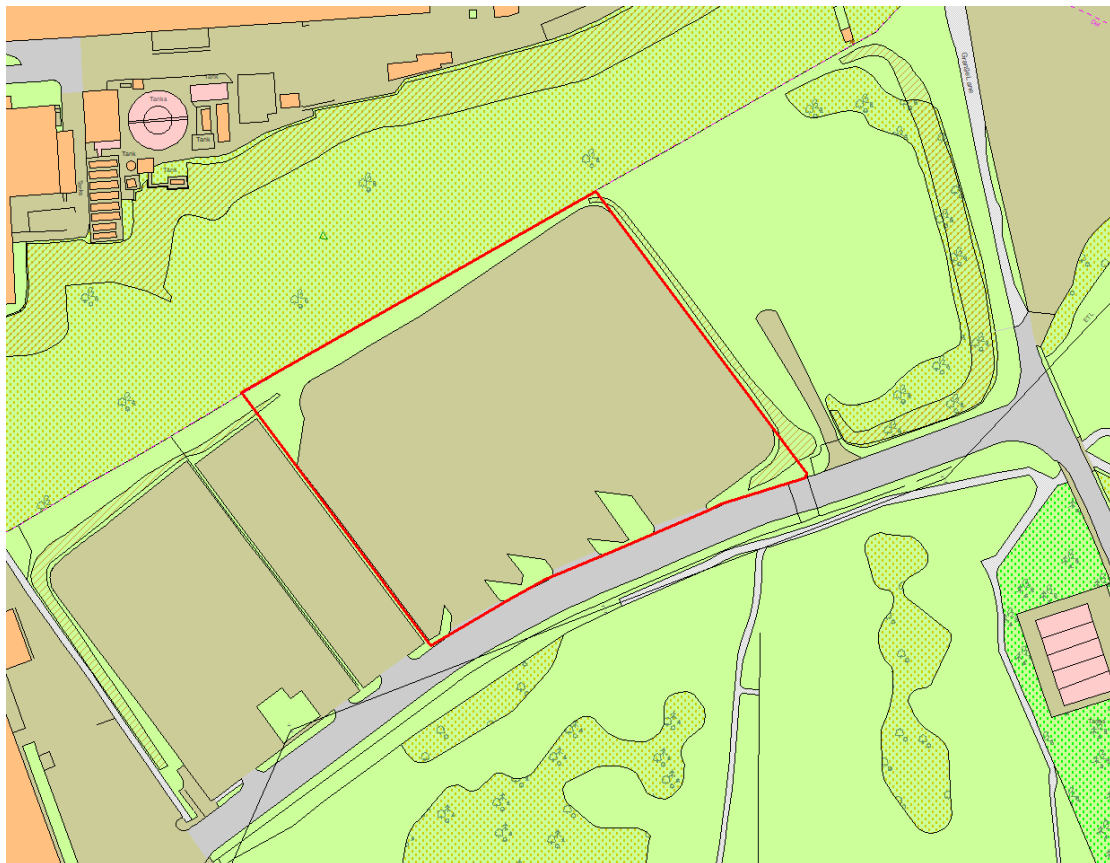
- a) A detailed operational maintenance plan;
- b) Physical access arrangements for maintenance, and establishment of legal rights of access in perpetuity, prior to the commencement of any phase of the development;
- c) A financial revenue plan clearly setting out how funding for maintenance is to be raised over the lifetime of the development;
- d) A whole life cost analysis for capital maintenance over the lifetime of the development. Any values should be based on the current HM Treasury Present Value (PV) Discount Rate. Assumptions about the expected useful life of materials should be included in any such analysis; and
- e) Details of financial surety to ensure long-term maintenance and capital maintenance costs of apparatus. It is for the developer to demonstrate that a suitable financial underwriting arrangement is in place.

## 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>RB2024/1514</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/1514">https://rotherham.planportal.co.uk/?id=RB2024/1514</a>
<b>Proposal and Location</b>	Application to vary condition 7 (now condition 6) (revision of operating hours – to allow 24hr use) imposed by RB2023/1471 at MTL Advanced Grange Lane Brinsworth
<b>Recommendation</b>	<p>A. The requirement under Section 106 of the Town and Country Planning Act 1990 attached to RB2023/1471 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• Commuted sum of £11,600.67 towards replacement bus shelter at stop 30212 (Bawtry Road). – This has been paid to the Council.</li> </ul> <p>B. Consequently, upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



### Site Description & Location

The application site is located approximately 2.5km to the south west of Rotherham Town Centre. Immediately to the north lies the industrial area of

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

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

The application site formerly comprised of a large area of hardstanding at the end of Grange Lane within the boundary of MTL, on the edge of the Brinsworth and Templeborough areas of the Borough.

The site now comprises of the building approved under RB2023/1471 which is currently at the internal fit out stage and is due to commence operation imminently.

## **Background**

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

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

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

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

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

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

RB2023/1471 – Erection of industrial unit/offices and car parking – Granted Conditionally

RB2024/0467 – Application to discharge conditions 27 and 28 imposed by RB2023/1471 – Granted

RB2024/0592 – Application to discharge of condition 15 imposed by RB2023/1471 – Granted

RB2024/0652 – Application to discharge of condition 3 imposed by RB2023/1471 – Granted

## **Proposal**

Members may recall an application was presented to Planning Board earlier this year for the erection of a new industrial unit and associated car parking under reference RB2023/1471. This application was approved subject to a number of conditions.

The applicant is now seeking permission to vary condition 7 (operating hours) imposed by this earlier permission.

Condition 7 set out the following:

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

The applicant is now seeking to revise the operating hours to allow for a 3 shift split on a 24 hour basis in line with the existing MTL facility:

- Shift 1 – 0600 – 1400
- Shift 2 – 1400 – 2200
- Shift 3 – 2200 - 0600

The applicant has indicated that MTL’s standard working hours are Monday through to Saturday morning at 6:00am, however there might be the odd occasion that weekends need to be worked due to client demands.

The applicant has indicated that the requirements of condition 8 (Deliveries/HGV movements) are unaffected and there will be no HGV movements to the site between 2200 and 0600 as the variation of condition 7 is only to vary production use hours.

The applicant has indicated that the uplift in employees for the new facility overnight will be between 8 – 10 people, due to the operation in the new facility having modern robotic machinery.

The applicant has further noted that the current facility which operates with unrestricted hours has approximately 50 people working on the overnight shift.

In support of the application an update Noise Impact Assessment (NIA) has been submitted.

The NIA notes that two survey positions were used, a 5-day survey from 04/10/2024 to 08/10/2024 was performed to the rear of the properties at 245-247 Ferrars Road to record the background noise levels and an 8 hours survey at the corner of Grange Lane and Bawtry Road (no safe area to set up equipment for full length survey was available therefore a manned survey was

performed to determine noise levels at what is considered the most noise sensitive times).

The Golf Club will not be included as a NNSR as this report is focusing on the extended hours and golf will not be played at night.

The NIA concluded that:

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

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

*The calculated sound levels for site activities at the nearest dwellings are within BS8233 requirements at all times of the day and night for dwellings with windows open. The activities also readily achieve BS8233 requirements for gardens.*

*Predicted noise levels for all activities at the facility are within existing levels of ambient noise and background noise that currently occur at the nearby dwellings.*

*The findings of this report indicate that operation of the proposed new fabrication facility would not have a significant noise impact upon the nearest dwellings at any time during its proposed application of working hours.”*

## **Development Plan Allocation and Policy**

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

The application site is allocated for Industrial and Business purposes in the Local Plan and forms part of the allocation E4 ‘Off Grange Lane, Templeborough’. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 ‘Delivering Rotherham’s Spatial Strategy’

CS3 ‘Location of New Development’

CS9 ‘Transforming Rotherham’s Economy’

CS10 ‘Improving Skills and Employment Opportunities’

CS14 ‘Accessible Places and Managing Demand for Travel’

CS19 ‘Green Infrastructure’



CS20 'Biodiversity and Geodiversity'  
CS21 'Landscapes'  
CS23 'Valuing the Historic Environment'  
CS25 'Dealing with Flood Risk'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS30 'Low Carbon & Renewable Energy Generation'  
SP1 'Sites Allocated for Development'  
SP16 'Land Identified for Industrial and Business Uses'  
SP32 'Green Infrastructure and Landscape'  
SP33 'Conserving and Enhancing the Natural Environment'  
SP42 'Archaeology and Scheduled Ancient Monuments'  
SP43 'Conserving and Recording the Historic Environment'  
SP47 'Understanding and Managing Flood Risk and Drainage'  
SP52 'Pollution Control'  
SP54 'Contaminated and Unstable Land'  
SP55 'Design Principles'  
SP56 'Car Park Layout'  
SP57 'Sustainable Construction'

### **Other Material Considerations**

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

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

### **Supplementary Planning Documents**

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

### **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. Letters of representation have been received from 23 individual addresses and the Parish Council. The comments raised by residents are summarised below:

- These restrictions were put in place to protect local residents and so it seems bizarre that there is a request for these to be removed so quickly.
- The restrictions were only put in place earlier on this year and so this makes a complete mockery of the planning process and the time spent by the planning committee in hearing this case.
- Increasing to a 24 hour operation is going to have a negative impact on our homes, including an increase in general traffic movements around

the area 24 hours per day, not to mention the impact on pollution that these additional vehicle movements will bring.

- This application also calls into question the integrity of MTL and their attitude to the residents of Brinsworth as it seems to me that they are just applying for things in a fragmented fashion to get things approved.
- The new building has not been used yet and it is unknown what problems to local residents may arise from noise and added pollution.
- The planning decision is less than 6 months old and was granted conditionally with strict hours to protect residents amenity. This company has a history of inflicting noise and pollution problems on local residents and strict conditions have been imposed by the planning board in acknowledgement of this.
- Environmental health has also requested conditions to protect residential amenity. To vary these conditions makes a mockery of the planning board and the planning system. The need for these additional hours would have been known at the time of application and therefore this can only be seen as a deliberate misleading of the planning board to obtain initial permission. The pollution and noise issues are well documented, and this will only increase things to an unacceptable level.
- Congestion on Bawtry Road is already a concern, moving to 24 hours will cause increases in traffic, noise and pollution.
- It has been asked several times now but why are the council not looking at options for the bridge to be reopened so that traffic could be routed onto the industrial area of Sheffield Road and away from our homes.
- The noise and traffic congestion caused by wagons entering and leaving the road is causing significant difficulties for local families, including those with young children. Are the company going to pay for triple glazing for the homes? If vehicles are permitted to move around throughout the night it will cause problems with sleep and even more issues with those trying to use the road/traffic congestion. I am horrified that this company are trying to get this approved, such a short time after being permitted to start this venture.
- The planning dept have failed to properly explain the effects of constant expansion.
- These negative effects far exceed the current permitted hours already with multiple breaches by the applicant. Any expansion of this is unacceptable with no effort made by MTL to mitigate these effects.
- Brinsworth and Tinsley are already amongst the worst areas in the country for all kinds of pollution without this company adding to it.
- The road surface has also suffered badly in the past by becoming potholed and subsidence due to heavy lorries with their stiff suspensions and causing my house to physically shake when they ran over them and is well on the way to becoming like it again after several repairs /bodes.
- Surely Corporate Organisations such as MTL have a responsibility to mitigate the environmental impact they have on the communities in which they are situated yet I can't see any actions referenced to offset

the impact of yet another request which results in more vehicles on the roads of this residential area at all times of the day and night.

- As a resident on Ferrars Road over a good many years our back garden is towards MTL, we have put up with the noise from them over a number of years, it can be really horrendous at times. I think that this application should not be allowed as it will mean that we would not get any peace from them.
- Brinsworth and Bawtry Road are residential areas with homes, families and children using the area. We accept that both BOC and MTL are based here but they are the minority and should support the community.
- Extending the business hours and usage would impact dramatically on the area. MTL backs onto the industrial area of Sheffield Road and this access should be used. If work needs to be done for this to happen, MTL should be working with the council to make that access usable.
- We don't need to expand the industry within Brinsworth, it needs to stay residential for the people who live here.
- There was another gas leak at the top of my drive on the main Bawtry Road, regular call outs on the stretch opposite Grange Lane, Caden Gas blame the HGVs and heavy traffic flow on Bawtry Road apparently.

The Parish Council have objected on the grounds of the additional traffic and noise it could cause for residents within the parish, especially on Bawtry Road.

A petition with 132 signatures has also been received objecting to the proposal.

5 Right to Speak requests have been received from local residents and the applicant.

### **Consultations**

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

RMBC – Environmental Health: 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 application hereby proposed is seeking to vary the operating hours condition (condition 7) imposed by RB2023/1471 to allow MTL to operate 24 hours a day from this new building to be in line with the unrestricted operating hours of the existing MTL facility.

The condition (condition 8) imposed by RB2023/1471 which limited the hours HGV vehicles can access the new facility is not being amended and will be retained as previously imposed.

The building approved under RB2023/1471 is substantially constructed and appears to be almost ready for its internal fit out. Therefore, from a planning perspective the 2023 application is extant. Accordingly, matters relating to principle of development, design consideration, drainage, flood risk, landscapes, trees, ecology, biodiversity, land contamination, coal mining, archeology cannot be reassessed as part of this application, as the only change hereby proposed, and which is under consideration is the change in operating hours of the new facility.

If the current application were to be refused it does not affect the applicant's ability to continue to implement the application RB2023/1471 and they will need to adhere to the conditions set out in that permission.

In light of the above the main considerations in relation to the change in operating hours are considered to be:

- Highway matters; and
- General Amenity and impact on existing residents

#### General Amenity and Impact on existing residents

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

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

The main change to the previous extant permission is the change in operating hours of the building to allow 24 hour operating 7 days a week, subject to customer demand.

The existing long established MTL facility operates unrestricted both in terms of operations within the existing building and in terms of HGVs accessing the existing building.

The current change proposed would not affect the previous condition that restricted the hours HGVs can access the new facility, accordingly as no additional HGVs would enter the site to access the new facility during the night hours, there would be no additional air quality impact in that area by changing the operating hours.

Further to the above, the additional nighttime shift would result in between 8 and 10 staff working in the new facility between 2200 and 0600, this increase would result in negligible impact on air quality from their vehicles.

It is also of note that the existing MTL facility has approximately 50 staff working during the nighttime shift.

With regard to the operational use of the building during the nighttime an updated Noise Impact Assessment has been submitted in support of the application and has been assessed by the Council's Environmental Health Service

The Noise Impact Assessment concludes:

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

*The calculated sound levels for site activities at the nearest dwellings are within BS8233 requirements at all times of the day and night for dwellings with windows open. The activities also readily achieve BS8233 requirements for gardens.*

*Predicted noise levels for all activities at the facility are within existing levels of ambient noise and background noise that currently occur at the nearby dwellings.*

*The findings of this report indicate that operation of the proposed new fabrication facility would not have a significant noise impact upon the nearest dwellings at any time during its proposed application of working hours.”*

In light of the above Environmental Health have indicated that the proposed change in operating hours at the new facility to a 24 hour operation, would not result in an adverse impact on neighbouring residents solely from the

operations taking place within the building. Moreover, the increase in staff due to the operations within the building being mainly automated and noise from their vehicles accessing the site before 2200 and leaving after 0600 would be negligible.

Accordingly, Environmental Health have raised no objections to the change in operating hours. However, they have requested that those conditions imposed on RB2023/1471 are reinstated.

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

These are similar in nature to the objections received under RB2023/1471.

It is considered that the assessment outlined above sets out why the change to the operating hours to allow a 24 hour operating of the building, whilst maintaining the limit on the hours HGVs access the new building, is acceptable and the additional impact on local residents from the additional 8 – 10 staff accessing the site for the nighttime shift would negligible both in terms of noise impact and air quality.

Accordingly, it is considered that on balance the change to condition 7 is acceptable from an amenity and air quality perspective.

#### Highway considerations

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

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

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

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

The variation to condition 7 to allow a third shift would result in between 8 and 10 employees accessing the site for the 2200 to 0600 shift. This is due to the fact that the new facility has offices which will not be in use during these hours and the operations taking place within the new facility being mainly automated, resulting in minimal staff at the building throughout the night.

The Council's Transportation Infrastructure Service have indicated that the proposed variation does not affect peak hour traffic movements or has an impact on the condition relating to delivery times. Furthermore, the number of additional employee vehicles accessing the site compared to the previously approved and extant permission would be negligible. Therefore, there are no objections from a highway's perspective to the variation of condition. This is due to the fact that there is to be no severe impact on the surrounding highway network.

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

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

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

The money has been received by the Council.

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

#### Other responses to objectors

The majority of the objections received relate to highway, air quality and noise matters and these matters have been considered and addressed in the prevailing sections of the report.

As with the previous application, objectors have raised the matter of reopening of the bridge down the northbound Grange Lane to

Templeborough. It should be noted that this is not a material consideration under this application and the matter was considered and addressed in the previous report to members and at the subsequent planning meeting.

The bridge does not form part of the adopted highway network and it is believed to be in private ownership. The route was closed some time ago (approx. 20 years) as a result of it not being to a suitable standard to cater for traffic given it is only 6m to 6.5m in width which would be incapable of accommodating a functioning highway which would be required either if it was to be considered for adoption or used as a private street.

Separate to this application, there is an allegation that HGV drivers are using Grange Lane for overnight parking or rest stops. This matter is being investigated separately by the Transportation Infrastructure Service.

A further recurring objection is the amount of time between the original / extant application being approved and the submission of this application to vary the operating hours, as well as complaints against the applicant. Whilst noted these are not material planning considerations and no weight can be given to these matters in assessing the planning balance of the proposal.

## **Conclusion**

It is concluded that on balance the change to condition 7 is acceptable for the reasons set out in the report. Furthermore, notwithstanding the objections relating to noise and disturbance and highway impact, it is deemed that the issues raised can be suitably mitigated through conditions and the change would have a negligible impact. As such, it is considered that the issues raised have been satisfied and a refusal on the objections raised cannot be justified in this instance and are outweighed by the fact that the scheme complies with the relevant national and local planning policies.

Further to the above as work has commenced on the building and some conditions have been discharged the conditions were relevant will be amended and renumbered.

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

## **Conditions**

### **General**

01

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



023011 WBD 01 00 DR A 1002 rev P01 – Location Plan  
023011 WBD 01 00 DR A 0002 rev P02 – Site Plan  
023011 WBD 01 ZZ DR A 0001 rev P01.6 – GA Ground Floor  
023011 WBD 01 ZZ DR A 0003 rev P01.9 – GA Ground Floor  
023011 WBD 01 ZZ DR A 0004 rev P01.9 – GA First Floor  
023011 WBD 01 ZZ DR A 0005 rev P01.8 – GA Elevations  
023011 WBD 01 ZZ DR A 0006 rev P01.5 – GA Sections  
023011 WBD 01 ZZ DR A 0007 rev P01.7 – GA Elevations - Context  
023011 WBD 01 ZZ DR A 0008 rev P01.5 – GA Foundations  
023011 WBD 01 ZZ DR A 0009 rev P01.3 – GA Section 02  
023011 WBD 01 ZZ DR A 0010 rev P01.10 – Lift  
023011 WBD 01 ZZ DR A 0011 rev P01.3 – GA Door Schedule  
023011 WBD 01 ZZ DR A 0012 rev P01.3 – GA Window Schedule  
023011 WBD 01 ZZ DR A 0013 rev P01.3 – GA Curtain Wall  
023011 WBD 01 ZZ DR A 0017 rev P01.2 – Details  
7838 – Final Connections  
7838 – Floor Slab  
7838 – Final Foundation Details  
7838 – Final Office  
7838 – Final Structural Steelwork 1  
7838 – Final Structural Steelwork 2  
A5761 04/C – Landscape Plan  
C1033 – G1, G2, G3, G4, G5, G6, G7, G8, G9, G10, G11, G12, G13 –  
Construction Drawings  
1229-ACE-ZZ-XX-DR-C-08000 rev P03 – Drainage General Arrangement  
Sheet 1  
1229-ACE-ZZ-XX-DR-C-08001 rev P03 – Drainage General Arrangement  
Sheet 2  
1229-ACE-ZZ-XX-DR-C-08003 rev P02 – Manhole Schedule  
1229-ACE-ZZ-XX-DR-C-08004 rev P02 – Drainage Construction Details

#### Reason

To define the permission and for the avoidance of doubt.

02

The development shall be carried out in accordance with the details relating to the materials to be used in the construction of the external surfaces of the building, approved by RB2024/0652.

#### Reason

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

#### Air Quality and Emissions

03

Notwithstanding the submitted information, prior to the building being brought into use details of the provision of electric vehicle charging point infrastructure (cabling routes) to serve every car parking space and a minimum of 20% of

parking spaces to have charging points for each building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details on the number, specification, location and maintenance schedule for electric vehicle recharge infrastructure. The approved details shall be implemented prior to each building being brought into use and shall thereafter be retained and maintained.

Reason

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

#### Construction Environment Management Plan

04

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

Reason

To safeguard the amenities of the occupiers of nearby properties.

#### General Amenity

05

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

Reason

To safeguard the amenities of the occupiers of nearby properties.

#### Restrictions

06

The use of the building hereby permitted shall occur between the hours of 0600-0600 Mondays to Mondays.

Reason

In the interests of residential amenity.

07

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

Reason

In the interests of residential amenity.

#### Drainage and Flood Risk

08

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

Reason

In the interest of satisfactory and sustainable drainage.

### Landscapes

09

Landscaping of the site as shown on the approved plan (drawing no. A5761 04/C) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

### Ecology

10

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

Reason

To minimise light pollution and reduce the impact on wildlife.

11

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

Reason

In the interests of biodiversity enhancement.

### BREEAM

12

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

Reason

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

### Waste Management

13

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

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

The agreed details shall be implemented and thereafter maintained.

Reason

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

### Land Contamination

14

If required and post construction, a Gas Verification Report is to be provided to confirm that the measures constructed/installed meet the required

standards. Inspection reports for each building will be forwarded to the Local Authority for review and comment.

Reason

To ensure the safe occupation of the site.

15

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

Reason

To ensure the safe occupation of the site.

16

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

Reason

To ensure the safe occupation of the site.

17

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

Reason

To ensure the safe occupation of the site.

18

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

Reason

To ensure the safe occupation of the site.

## Highways

19

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

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

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

The area shall thereafter be maintained in a working condition.

### Reason

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

20

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

### Reason

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

21

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 timetabled in the programme of implementation.

### Reason

In order to promote sustainable transport choices.

22

The Construction Traffic Management Statement submitted and approved by RB2024/0467 shall be adhered to throughout the construction phase of development.

### Reason

In the interests of highway safety and residential amenity.

## Local Labour Agreement

23

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

Reason

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

## Informative(s)

01

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

02

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

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

03

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

04

development would greatly benefit from being built to Secured by Design standards, [www.securedbydesign.com](http://www.securedbydesign.com)

#### *Defensible Space*

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

#### *Security of Building*

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

PAS 24:2022

LPS 1175 SR 2

STS 201 or STS 202 BR2

All entrances should be well lit.

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

#### *Vehicle Parking*

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

05

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

06

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

07

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



## POSITIVE AND PROACTIVE STATEMENT

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