

PLANNING BOARD

12th June, 2025

Present:- Councillor Mault (in the Chair); Councillors Ahmed, Allen, Bacon, Cowen, Duncan, Elliott, Fisher, Hussain, Jackson, Sutton, Tarmey and Thorp.

Apologies for absence:- Apologies were received from Councillors Adair and Currie.

The webcast of the Planning Meeting can be viewed at:-

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

1. EXCLUSION OF THE PRESS AND PUBLIC

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

2. MATTERS OF URGENCY

There were no matters of urgency for consideration.

3. DECLARATIONS OF INTEREST

Councillor Sutton declared a personal interest in application RB2024/0841 (reserved matters application details of landscaping, scale, external appearance and layout for the erection of 185 dwellinghouses including discharge of conditions 04, 05, 06, 07, 08, 13, 14, 15, 18, 21, 22, 23, 30, 31 reserved by outline RB2022/1638 at land north of Tickhill Road, Maltby for Homes by Honey) on the grounds of objecting to this application prior to coming a member of the Planning Board. She left the meeting whilst discussion took place and did not take part or observe the vote.

4. MINUTES OF THE PREVIOUS MEETING HELD ON 15TH MAY, 2025

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 15th May, 2025, be approved as a correct record of the meeting and signed by the Chair.

5. DEFERMENTS/SITE VISITS

There were no site visits or deferments recommended.

6. DEVELOPMENT PROPOSALS

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

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

- Reserved matters application details of landscaping, scale, external appearance and layout for the erection of 185 dwellinghouses including discharge of conditions 04, 05, 06, 07, 08, 13, 14, 15, 18, 21, 22, 23, 30, 31 reserved by outline RB2022/1638 at land north of Tickhill Road Maltby for Homes by Honey (RB2024/0841)

Mr. J. Pearce (Applicant)
Councillor A. Tinsley (Objector)

- Application to undertake works to trees protected by RMBC TPO 11 (2010) at 2 & 3 Parkstone Place South Anston for Messrs Wild & Stanley (RB2025/0333)

Mr. B. Anderton (Agent on behalf of the Applicants)
Mr. C. Wild (Applicant)
Mrs. T. Stanley (Applicant)
Mr. T. Pask (Supporter)
Mrs. T. Walters (Supporter)

Statements were also read out on behalf of the following who were also supporters to the application:-

Councillor T. Baum-Dixon
Mr. A. Stafford
Mr. A. Singh-Bhatti

- Change of use to Craft Ale & Coffee House (Sui Generis) at 263 Wickersley Road Brecks for Mr A Marples (RB2025/0338)

Mr. A. Marples (Applicant)
Ms. C. Suter (Objector)
Ms. K. Killeen (Objector)

(2) That with regards to application RB2024/0841:-

(a) The Council enter into a satisfactory Legal Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- 25% of the total number of dwellings to be provided on site for affordable housing provision in accordance with the approved plans.
- Education Contribution in line with the Council's adopted formulae towards Secondary/SEND resource within the local area.

- A commuted sum of £500 per dwelling towards sustainable travel encouragement.
- A commuted sum of £181,557 towards improvements to sports facilities for the local community.
- A commuted sum of £40,000 towards the provision of a cycle link between the application site and Glencairn Close.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.

(b) subject to the satisfactory signing of the legal agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report, an amendment to Condition 1 from Revision D to Revision E on the Amended Boundary Treatment and an additional condition relating to timeframes to read:-

06

The footpath/cycle path shown on the approved plan shall be completed and open for use in accordance with timescales to be agreed in writing by the Local Planning Authority.

Reason

To ensure a provision of a footpath/cycle link to promote sustainable travel.

(3) That application RB2025/0333 be refused for the reason adopted by Members at the meeting and as listed in the submitted report.

(4) That application RB2025/0338 be granted for the reasons adopted by Members at the meeting, subject to the relevant conditions listed in the submitted report and subject to an amendment to Condition 5 regarding to the timings of deliveries to the premises, an amendment to Condition 6 including the words “and activity” having “proposed use” and for an additional condition to be included relating to excluding hours for recycling disposal. Conditions to now read:-

05

There shall be no deliveries/refuse collection to the premises outside the hours of 08.30hrs until 20:00hrs Mondays to Sundays.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

06

The proposed use of the premises shall only take place indoors as outlined in the Existing & Proposed Plans, Elevations, Proposed Site Plan & Site Location Plan, dated March 2025 (Drawing No. A25-06-01 - Revision P1). No mobile commercial facilities or seats or tables shall be placed outdoors.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

12

No disposal of recyclable waste at the rear of the premises shall take place between 20.00hrs and 08.30hrs

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

(Councillor Sutton declared a personal interest in application RB2024/0841 (reserved matters application details of landscaping, scale, external appearance and layout for the erection of 185 dwellinghouses including discharge of conditions 04, 05, 06, 07, 08, 13, 14, 15, 18, 21, 22, 23, 30, 31 reserved by outline RB2022/1638 at land north of Tickhill Road, Maltby for Homes by Honey) on the grounds of objecting to this application prior to coming a member of the Planning Board. She left the meeting whilst discussion took place and did not take part or observe the vote)

7. REPORT OF ASSISTANT DIRECTOR OF PLANNING, REGENERATION AND TRANSPORTATION SERVICE

Consideration was given to the report of the Report of the Assistant Director of Planning, Regeneration and Transportation Service which provided details of how at the Planning Board on 21st November, 2024 two 100MW battery storage facilities RB2024/0321 and RB2024/0063 were recommended for approval on the basis that very special circumstances had been demonstrated to overcome the harm by reason of inappropriateness and the harm to the openness of the Green Belt.

Planning Board Members subsequently refused both applications for the following reasons:-

01

The Council considers that the proposed battery storage facility would represent inappropriate development in the Green Belt, would have an adverse impact on the openness of the Green Belt, and would not safeguard the countryside from encroachment. The applicant has failed to demonstrate very special circumstances to justify this inappropriate development and the harm caused to the openness of the Green Belt, and any other harm. As such, the proposal is considered to be contrary to Local Plan Policies CS4 'Green Belt' and SP2 'Development in the Green Belt' as well as the guidance contained within the National Planning Policy Framework (NPPF).

02

Green Lane by virtue of its restricted width and lacking in separate pedestrian facilities is inadequate to cater for the proposed construction traffic associated with the battery storage facility. As such the proposal would be detrimental to both highway and pedestrian safety.

The applicants for both applications have now appealed the refusals and the Planning Inspectorate was looking to consider both appeals jointly by way of a Public Inquiry. Both appellants now argue that the sites fell within the Government's new 'Grey Belt' definition (NPPF revision 12th December 2024) which had been introduced since the original decision and that the battery storage facilities no longer represented inappropriate Green Belt development.

The report now submitted assessed the appellants' assertion and whether the sites did represent 'not inappropriate' Grey Belt development within the Green Belt.

The highways reason for refusal on both appeals were not affected.

Details of the changes to the National Planning Policy Framework were shared with the Planning Board and specifically where it introduced significant changes concerning Green Belt land, notably the formalisation of the Government's "Grey Belt" concept. Specifics were provided on the detail set out in Paragraph 155 where it was stated:-

"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:-

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."

In terms of the NPPF it stated that "For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."

It was noted that the sites were not considered to be previously developed land, as defined in the NPPF, but were 'any other land' in accordance with Paragraph 143 and its purposes and Footnote 7 relating to sprawl, merging of towns and setting of historic towns.

In this instance, the land to be developed did not fall within, or directly affect, any of the designations referred to in Footnote 7.

On this basis the application sites were considered to be in the Grey Belt. Notwithstanding this view, paragraph 155(a) of the NPPF noted the development should not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. In this instance, the remaining purposes of the Green Belt, set out in paragraph 143 of the NPPF were considered relating to safeguarding the countryside from encroachment and to assist in urban regeneration.

Whilst the appeal sites were considered to meet Paragraph 155(a) for the proposals to be considered as 'not inappropriate' development they must also satisfy all of the criteria from (a) to (d).

In satisfying the criteria it was noted the Council's original Planning Board reports went into significant detail as to the need for the development in terms of achieving net zero and supporting the National Grid's transition to renewable energy. As such it was considered there was an unmet need for this type of development. This was reflected in several appeal decisions where Inspectors have accepted that there was such a need for this type of development.

It was also noted the battery storage facilities were designed to be unmanned with engineers visiting occasionally to ensure the plants were safe and working efficiently. As such there was no conflict with 155(c) or (d) as the "Golden Rules" did not apply in this case.

When considering the implications for the Council's grounds for refusal at appeal for RB2024/0063 and RB2024/0321, the assessments have concluded that both developments were on Grey Belt land and did not represent inappropriate development within the Green Belt.

With this in mind, the Council's first reason for refusal on both applications no longer stood and the Council would not be able to defend such a reason for refusal as part of the appeal process. It was, therefore, recommended that the first reason for refusal on both applications be withdrawn and that the Council accepted that the scheme did not represent inappropriate development within the Green Belt under the revised NPPF.

On this basis the Council still intended to defend the highway reason for refusal on both applications at appeal.

In accordance with the right to speak process, the following people attended the meeting and spoke about the report:-

Mrs. V. Bryan (Objector)

Mr. A. Frost (Objector)

The Planning Board having carefully read the report and listened to the presentation by officers, accepted the decision was difficult.

The Planning Board expressed frustration at the changes made to the NPPF by the Government on 12th December, 2024 and the redesignation of the land from "Green Belt" to "Grey Belt" meaning the Council could effectively only defend the highways reason for refusal at appeal.

Resolved:- (1) That with regards to RB2024/0063 the Council withdraws the reason for refusal citing inappropriate development in the Green Belt.

(2) That with regards to RB2024/0321 the Council withdraws the reason for refusal citing inappropriate development in the Green Belt.

8. **UPDATES**

There were no updates to report.