

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
11th JANUARY 2018**

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

INDEX PAGE

RB2017/1225 Demolition of existing buildings on Domine Lane, erection of 6 storey building comprising of retail unit at ground floor & 32 No. apartments above and part change of use of ground floor building on Main Street to use class A1, A2 , A3 and conversion of floors above to 29 No. apartments, including part demolition and rebuild & formation of courtyard car park to rear at Westgate Chambers Westgate Rotherham Town Centre for HMP Bespoke Construction Ltd	Page 7
RB2017/1407 Engineering works to provide enabling infrastructure comprising installation of pipe work and open watercourse for surface water and foul drainage and the construction of an extension to Highfield Lane and landscaping at land at Waverley New Community High Field Spring Catcliffe for Harworth Group Plc	Page 35
RB2017/1426 Small scale electricity battery storage facility consisting of 25 No. 2MW battery containers and 10 No. 2MW Inverters, plant & substation and external works at Nether Moor Field Green Lane Thurcroft for Thurcroft Energy Limited	Page 48
RB2017/1717 Erection of an energy storage facility and associated ancillary equipment & components at land adjacent Thurcroft substation off Moat Lane Wickersley for EDF Energy Renewables	Page 63

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 11 JANUARY 2018

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.

Application Number	RB2017/1225
Proposal and Location	Demolition of existing buildings on Domine Lane, erection of 6 storey building comprising of retail unit at ground floor & 32 No. apartments above and part change of use of ground floor building on Main Street to use class A1, A2 , A3 and conversion of floors above to 29 No. apartments, including part demolition and rebuild & formation of courtyard car park to rear at Westgate Chambers, Westgate, Rotherham, S60 1AN for HMP Bespoke Construction Ltd.
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as the application is classed as a Major in the Council's Scheme of Delegation.



Site Description & Location

The application site covers approximately 0.275ha. Access to the encircled service yard on the site is from the existing highway (Domine Lane), and the site buildings have frontages onto Domine Lane, Main Street and Westgate.

The development site contains 6 buildings which surround an enclosed service yard; two buildings which are in a “dilapidated condition” fronting Domine Lane, three buildings fronting Main Street, and building 4 which is Grade II Listed, and has frontages onto Main Street and Westgate.

The service yard is also bounded by the Co-op building to the west, and Bar 1915 and the Old Post Office building on Westgate and Market Street, respectively. These buildings are not part of the building; however the Co-op building is in the ownership of the applicant.

The site is a prominent site adjacent to the central area of Rotherham. To the north the site is bounded by Domine Lane, with the contemporary Old Market building housing contemporary retail space, and art gallery and apartments above.

To the east lies Westgate, Moorgate and Market Place, with a number of period buildings; the rejuvenated High Street and Minster Quarter lie a short distance beyond.

To the south across Main Street is the Royal Mail Delivery Office, a utilitarian 1960s building on the site of the former Westgate Railway Station.

To the west is Market Street with the Old Post Office Building on the corner of Main Street and Market Street. On the corner of Market Street and Domine Lane stands the recently refurbished 1915 Bar and Bistro. The 2009 Keppel Wharf development with retail space and apartments above overlook the site and the river on the other side of Market Street.

Background

There have been 54 planning applications submitted relating to this site since 1949 for various extensions, change of uses and advertisement consents, the most recent of which is:

RB2011/0432 – Change of use of 6 Main Street from Charity Company (use class B1/D1) to drinking establishment (use class A4).

It is considered that none of the previous applications for buildings within the application site boundary are relevant to the current proposal.

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

Proposal

The application is to demolish two buildings on Domine Lane, construct a new building and vehicular access on Domine Lane, with a retail unit at ground floor and residential flats above; and to partially demolish structures to the rear of buildings on Main Street and convert them to A1, A2 or A3 uses at ground floor with residential flats above.

The buildings to be demolished on Domine Lane are unlisted, one is a late 19th Century brick built two-storey building and the other a three-story 1960s office building, both are in a dilapidated state. The structures to be demolished on the rear of Main Street are in a dilapidated state and are not seen from public views.

In place of the two buildings on Domine Lane it is proposed to construct a new single building comprising of 32 one, two and three bedroom apartments all with inset balconies, Juliet balconies or roof terraces, with 7600sq. ft. of retail space with a frontage onto Domine Lane.

The existing access to the courtyard at the top of Domine Lane will be moved to the bottom of the street, next to Bar 1915, which will allow for a more efficient courtyard layout, and potentially allow the Council to pedestrianise Domine Lane in the future as detailed in the Town Centre Masterplan.

The new building would abut the adjacent Old Co-op building at the top of Domine Lane and would be of a similar height and scale, but then it would step down with the topography of Domine Lane to a lower height adjacent Bar 1915.

The renovation part of the development involves the renovation, repair and reorganisation of 4 existing buildings each with their own individual character. The applicant notes that the re-development will provide high quality retail, leisure and hospitality space at street level, with 29 one, two and three bedroom apartments above.

The buildings are to be retained and the changes of the main frontage to Main Street and Westgate are designed to maintain the existing character of each individual building. The updating of the shopfronts to each building will give them their own identity.

To the rear a program of partial demolition and re-building, to create an additional floor behind the existing ridge and reorganise the floor plans to open up the space. This will provide additional residential units and transform the back of the buildings that overlook the current service yard.

The building fronting Main Street can be split into four distinctive sections:

Building 1 sited to the west will be change very little apart from new shop fronts, although the rear elevation will be redefined. The currently awkward roof geometry will be updated with a simple pitched roof, and the current patchwork of brickwork will be completely rendered, with dark grey windows, with a new parapet.

The extended stairwell serving building 1 at the rear will be clad in grey cladding.

Building 2 sited in the middle of the Main Street elevation, will be developed with the addition of a Parisian-style attic accommodation in the roofspace, which will have hidden roof terraces when viewed from the street by the existing parapet wall, giving

them some outside space. The shop fronts will be designed with regard to the windows above.

To the rear the ground floor footprint will be retained. From first floor upwards the façade is pulled back.

Building 3 which is sited close to the junction of Main Street and Westgate will introduce third floor accommodation with the addition of dormers and rooflights. The rear will be similar to building 2.

Building 4 is sited directly on the corner of Main Street and Westgate and is a Grade II Listed building, and is in a dilapidated state both inside and outside. The Georgian façade will be reinstated on both the Main Street and Westgate elevations and the shop fronts will be renewed to compliment the building. The red brick stairwell at the rear will be reinvented with staggered roof terraces.

There are a number of existing lawful planning uses at basement and ground floor levels of the buildings that front Main Street, Westgate and Domine Lane, these include A1 Retail, A4 Drinking Establishments, A5 Hot-food takeaways, D2 Assembly and Leisure and a Taxi Booking Office (use class Sui Generis). Some of these units, mainly the A4 Drinking Establishments in the case of the buildings fronting Domine Lane and Westgate are to remain open as existing and in the case of those on Main Street and Westgate that are currently closed they will re-open for A4 purposes. The former sandwich shop fronting Main Street shall remain an A1 unit, but the type of offer main change. The remaining units within the existing building fronting Main Street, which are defined as Units 1 to 4 on the submitted plans, will be available for uses falling within A1, A2 (Financial and Service) and A3 (Restaurant and Cafés).

The retail unit in the ground of the new build on Domine Lane is proposed to be open between the hours of 8am and 10pm Mondays to Saturdays and between the hours of 0800 and 16:00 Sundays.

It is proposed to maintain 14 car spaces within the courtyard of the site and there are to be 19 cycle parking spaces provided.

In support of the application the following documents have been submitted:

Design and Access statement

The Design and Access statement provides details of the site, the design principles, safety and security, sustainability, access, proposed materials and photomontages.

Heritage Statement

The statement concludes that the loss of the buildings on Domine Lane is outweighed by the benefit of providing much need housing and high quality retail and leisure premises in the area. The site will be redeveloped to a high standard of design and will remain in keeping with the character and local distinctiveness of the area.

An addendum has been submitted to the above, providing additional information in light of comments raised by Historic England. The additional information provides details on the state of disrepair that the buildings on Domine Lane are in, including photographic

evidence; details about how if the building has to remain it would render the whole development unviable as the additional flats and retail space proposed in the new build are required to make the scheme financially viable; and that if the buildings have to remain the whole scheme would not come forward and the site would be left in its current state of disrepair, which affects the character and appearance of the conservation area and town centre.

Noise Impact Assessment

The Assessment established the ambient noise levels at the application site during the daytime and night time periods. The ambient noise levels at the application site are due to pedestrians, road traffic and to a lesser extent music from bars on Westgate.

A scheme of sound attenuation works (enhanced glazing and acoustically treated trickle vents) has been developed to protect the proposed residential development from the ambient noise climate in accordance with pertinent guidelines.

The assessment concludes that on this basis, the ambient noise climate does not pose a constraint to the proposed residential development.

An addendum has been provided which looked further at the impact of music from the existing bars adjacent to and within the existing building on the noise levels for future residents.

Affordable Housing Statement

The statement is in the form of a detailed viability appraisal, it provides details of the accommodation proposed, methodology and viability conclusions, along with viability appraisal at 0% affordable housing provision, baseline sale values and Order of Cost Estimate.

The appraisal concludes that the proposed scheme only has a marginal economic viability although it provides a return which an experienced developer may be prepared to accept. It states that based on a GDV of £10,741,083 there is a GDP of 16.4% which is lower than the accepted norm and this is based on the provision of 0% affordable housing and specifically assumes that there are no clawback / overage agreements. Standards policy identifies a target of 25% affordable housing provision. However, the report states that it is clear that actual provision is a matter for negotiation.

The report further notes that a 0% affordable housing proposal in the current market fails to achieve a GDP at the accepted normal levels of 17.5% - 22.5%. The appraisal shows that there is a return on development costs of 19.5% with 0% affordable housing which is below the councils 20% target rate of return.

It finally states that any request for affordable housing or other such planning gain would be unreasonable.

Biodiversity Survey and Report

The survey concluded that 3 of the buildings were assessed as having a medium bat roost potential due to gaps in the roof and under soffits, and the other 3 buildings were assessed as low.

No bat field signs were identified within the buildings and no potential access points were found that would allow bats access into the cellars of the buildings.

The survey provides several recommendations:

- i) Two bat activity surveys are required on the medium bat roost potential buildings
- ii) One bat activity survey is required on the low bat roost potential buildings
- iii) If a bat roost is identified a mitigation strategy should be submitted to the Local Planning Authority and a Natural England EPS Licence must be applied for.
- iv) Due to the large number of pigeons within most of the buildings, it is recommended that no works are carried out on these buildings during the bird nesting season which extends from March to September each year and a strategy is drawn up to deal with them.

A further Bat Dusk Emergency Survey was submitted which confirms that no bats were seen or heard by any of the 8 surveyors during the survey and no bat calls were recorded by any of the 8 Anabat recorders.

Building for Life Assessment

The BfL assessment provides comments on each of the 12 criteria.

Phase 1 Desk Top Study

The Phase 1 study provides details of the historical land use of the site, geological hazards, construction issues, mining issues, waste management and gas monitoring, hydrogeology and intrusive site investigations.

Transport Statement

The report concludes that it is unlikely that the proposal will generate any trips in their own right as they will be used by residents and town centre shoppers as part of a linked trip. It is unlikely anyone will visit the town centre purely to use these facilities, although they may be accessed by car by employees which will be limited by the amount of parking available on site. In addition, it is noted that the extant land uses have the potential to generate similar vehicular flows to that forecast. Therefore, it concludes that the site is a suitable location for the proposed development and there are no highways or transport reasons that should prevent the granting of planning consent for the proposals.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for retail purposes in the UDP, and also falls within the Town Centre Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS9 'Transforming Rotherham's Economy'
CS11 'Tourism and Visitor Economy'
CS12 'Managing Change in Rotherham's Retail and Service Centres'
CS13 'Transforming Rotherham Town Centre'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscape'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG4.8 'Flats, Bed-sitting Rooms and Houses in Multiple Occupation'
ENV2.6 'Alterations to Listed Buildings'
ENV2.7 'Changes-of-Use to Listed Building'
ENV2.8 'Settings and Curtilages of Listed Buildings'
ENV2.11 'Development in Conservation Areas'
ENV3.7 'Control of Pollution'
RET1.1 'Shopping Environment'

The Rotherham Local Plan 'Publication Sites and Policies' document policy(s):

SP22 'Development Within Town, District and Local Centres'
SP27 'Rotherham Town Centre Regeneration'
SP28 'Rotherham Town Centre Evening Economy'
SP29 'Sustainable Transport for Development'
SP40 'New and Improvements to Existing Green Space'
SP43 'Listed Buildings'
SP44 'Conservation Areas'
SP50 'Understanding and Managing Flood Risk and Drainage'
SP55 'Pollution Control'
SP58 'Design Principles'
SP59 'Car Parking Layout'
SP61 'Shop Front Design'

Other Material Considerations

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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

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

The Core Strategy / Unitary Development Plan/Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

The proposal shall also be assessed against the Council’s adopted Parking Standards, adopted Shop Front Guidance and adopted Rotherham Town Centre Supplementary Planning Document; and the South Yorkshire Residential Design Guide.

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 11 letters of representation have been received. 1 is in support and 10 are objecting to the proposal.

The issues raised by the objectors are summarised below:

- It is in contravention of the Council policy regards the Conservation Area and restoration to Rotherham’s heritage.
- The proposed glazed building has no contingency or support to any privacy or further possible development to other parts of the area.
- Planning has refused a roof terrace on Bar 1915 on the grounds it is not in keeping with the heritage of the area and that we could potentially over look our neighbours which are 40 metres away.
- This building with glazed windows facing into our building is less than a foot away from our boundary which will be to the detriment of our business.
- The building would affect the privacy of our front court yard and building.
- The proposal would put our business and livelihoods and 30 plus staff in jeopardy.
- If the development goes ahead we will have no option but to close our premises and offer it to an alternate business to the detriment of the area.
- The proposed building will look over into the flats across the road and into Bar 1915.
- The proposal will result in the loss of potential retail space and demolish another historical building which could be revamped.
- The heritage statement says little about the building to be demolished.

- The building is “a little gem”, it has more architectural merit, and adds significantly to the character of our town. It is worth preserving and even worth listing.
- The proposal will have a negative impact on the town centre, which will become overrun with flats rather than retail space.
- The building needs to be saved and the shops re-instated.
- The demolition is unnecessary and could be renovated instead.
- The proposal will have a negative effect on businesses.
- The building works will cause disruption to trade and existing historical buildings will be demolished.
- The proposed new build is out of keeping and will change the street completely.
- Can't we have the shops re-opened for local businesses instead of flats overlooking each other?
- Don't need any more housing in the town centre.
- Historical buildings should be saved and not destroyed.

The comments raised by those in support are summarised below:

- Amazing news, it is about time. Do not delay, push this application through to help support Forge Island developments.

Consultations

RMBC – Transportation and Highways Design: No objections subject to conditions.

RMBC – Conservation: Supports the conversion of the buildings on the site and in particular the conversion of the Grade II Listed Building. Concerns are raised about the loss of the un - Listed buildings on Domine Lane. However, it is accepted that the scheme would be financially unviable without the loss of this building and there is clear public benefit from the wider scheme.

RMBC – Landscape Design: Have no objections from a landscape perspective.

RMBC – Greenspaces: Have recommended a s106 contribution for off-site green space improvements as the site can't generate any on-site open space.

RMBC – Drainage: Has no objections subject to conditions.

RMBC – Ecology: Accept and agree with the findings of the survey and the recommendations within it should be accepted and conditioned where possible.

RMBC - Environmental Health: Have no objections.

RMBC - Land Contamination: Have no objections subject to conditions.

RMBC – Housing: Viability information submitted, and independently assessed has concluded the no affordable housing provision is required from this scheme.

Historic England: Welcome the proposals for the buildings on Westgate and Main Street but raise objections about the demolition of the buildings on Domine Lane and the scale and form of the new buildings

Geology (SAGT): Have no objections.

South Yorkshire Passenger Transport Executive (SYLTE): Have made no comment.

Yorkshire Water: Have no comments to make.

Rotherham Health Authority: Have made no comment.

ROAR Rotherham Open Arts Renaissance: Have made no comment.

The Victorian Society: Have raised objections to the scheme, in that the demolition of the buildings on Domine Lane will erode the special interest of the Rotherham Town Centre Conservation Area.

South Yorkshire Police Architectural Liaison Officer: Have no objections subject to recommendations to ensure the development complies with Secured by Design standards.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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

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

- The principle of the development
- Design, scale and layout
- Impact on Heritage Assets
- General Amenity Issues
- Transportation Issues
- Landscape issues
- Ecological Issues
- Affordable Housing Requirements

Principle

The consideration of the principle of development in this instance is twofold; firstly the principle of demolishing the unlisted buildings in the conservation area; and secondly the principle of the conversion of the existing buildings to A1, A2 or A3 uses at ground with residential above and the new build.

The site is located on land allocated for retail use in the adopted UDP, and within the Town Centre boundary, as proposed by the emerging Rotherham Sites and Policies Document (RSPD). The site lies outside of the town centre's Main Shopping Area, but

within the Town Centre conservation area, and abuts the identified area in emerging policy SP28 for late night uses to the east.

In regard to the demolition of the existing unlisted buildings on Domine Lane, Historic England has raised objections to the application on heritage grounds, on the basis that they do not feel it meets the requirements of the NPPF in relation to “clear and convincing justification” that the harm of any proposals are weighed against the public benefits of the proposal.

The existing buildings were highlighted within the adopted Town Centre SPD as having high vacancy rates and a high number of takeaways resulting in an overall negative impact on this area of the conservation area. It proposed that future redevelopment of the area should be brought forward for residential use. Therefore, while the loss of any building in the conservation area is given very careful consideration, in this case the benefits of bringing forward this redevelopment, the re-use and restoration of the listed building, the provision of much needed residential units in the town centre and the provision of retail units at ground floor is considered to outweigh any negative impact of the demolition building on Domine Lane.

Early discussions regarding the proposed redevelopment of the site set out that the preferred solution would be for the existing buildings on site to be retained. However the information submitted and assessed in relation to the viability, and condition of the existing buildings, has resulted in the conclusion that a full and convincing justification has been provided to confirm that it is not economically viable to re-use these buildings and the only way to deliver this scheme is for the demolition and redevelopment of that part of the site.

The proposed new build and redevelopment of the existing buildings would be supported as the scheme should encourage vacant ground floor retail units back into use, this extension of the High Street retail units into Domine Lane is a proposal within the Town Centre Masterplan and the creating of retail units within the town centre is supported by adopted policies CS1 and CS3. , The large residential aspect would be welcomed, as it would promote and provide an increased Town Centre population, which is an aspiration of the adopted Rotherham Town Centre Supplementary Planning Document.

Westgate Chambers is specifically mentioned in the Town Centre SPD as a preferred area for residential development, *“the central block to the east of Keppel Wharf, defined by Main Street, Market Street and Domine Lane should be brought forward for residential occupation. It would be expected that proposals make links and integrate with the proposed residential areas to the south along Westgate, and also seek to improve the connectivity to Rotherham Central across Forge Island”*.

The Town Centre SPD, which supports the Local Plan policies, offers clear guidance, and is a material consideration for town centre development proposals such as this. It informs that the town centre goals will seek opportunities to deliver residential units within the centre’s key sites, and states this is critical to sustaining the long term health and vitality of Rotherham’s central core.

The proposed new uses of A1, A2 or A3 in Units 1, 2, 3 and 4 of the building fronting Main Street are considered suitable for this location and would comply with the relevant policies and guidance detailed above.

In conclusion, the proposed development is supported in principle, as the policies mentioned in this report are complied with. The scheme will encourage localised regeneration; bring vacant ground floor retail units back into use, as well as creating further new ground floor retail units. The large residential aspect is welcome, and will contribute to an increased Town Centre population that promotes vitality to the centre of Rotherham.

Accordingly, in light of the above the principle of residential development on this land would be acceptable and would comply with the policies within the NPPF, Core Strategy and UDP.

Therefore as specified in the NPPF planning should be granted unless “any adverse impact of doing so would significantly and demonstrably outweigh the benefits”.

Design, scale and layout

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from a good planning, and should contribute positively to making places better for people.”* In addition paragraph 57 states: *“It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development scheme.”*

Policy CS21 states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough’s landscapes. In addition policy CS28 indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with well-designed buildings. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Emerging policy SP58, states: *“all forms of development are required to be of high quality, incorporate inclusive design principles 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”.*

The proposed new shop frontages on the buildings fronting Westgate and Main Street are considered to be acceptable and would comply with the policies listed above and also the requirements outlined within the Council’s adopted Shop Front Guidance. Furthermore, they have been designed so that they appear similar in terms of design and features to the recently renovated shop frontages on High Street in the town centre.

Further to the above, it is considered that the introduction of small pitched roof dormers on part of the building fronting Main Street which would allow the conversion of the roofspace have been sympathetically designed and sited so that they would not appear as an incongruous feature. Accordingly, they are considered to represent an appropriate form of development that would adhere to the policies listed above.

With regard to the new build fronting Domine Lane, it is considered to be of a contemporary form and design, with a suitable palette of materials, including brickwork, render, cladding and glazing, which whilst different to the other buildings within the Westgate Chambers complex it relates to the newer buildings which surround the site and provides a visual distinction between the old and new.

It is also considered to be of an appropriate scale and massing which appear sympathetic to and responds to the site's location and the site's relationship with adjoining and neighbouring buildings, Westgate Chambers, 'Old Co-op' building and Old Market Building. Furthermore, the height of the building has been designed to reflect the sloping nature of Domine Lane and to ensure the relationship between the building and the neighbouring Bar 1915 are appropriate.

In addition to the above, the proposed shop front design of the ground floor retail unit is considered acceptable and would allow in the future for the unit to be sub-divided if required.

It is considered that the new build would introduce an acceptable and appropriate form of development in this town centre location that compliments the old and new buildings within the area and which fully complies with the requirements of the policies and guidance detailed above.

Accordingly, the conversion of the existing buildings and the new build would result a scheme that is of a size, scale, form, design and siting which complies with relevant national and local planning policies and guidance and represents an acceptable form of development which raises no design issues.

Impact on Heritage Assets

With regards to the impact on the Conservation Area it is noted that the National Planning Policy Framework (NPPF) states at paragraph 129 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 assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

The National Planning Policy Framework (NPPF) further states at paragraph 132: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

As such, consideration needs to be given to the impact on the character and appearance of the Town Centre Conservation Area including the loss of the un- listed buildings on Domine Lane.

The application includes a Heritage Statement, as per the requirements of the NPPF and emerging policy SP43 and the proposal also sits within the Town Centre conservation area. Policy CS23 offers further guidance and states *“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”*.

In order to meet the requirements of the policy the grade II Listed Buildings to the frontage of Westgate (Buildings 7 – 9 Westgate) are to be retained and refurbished as part of this scheme. The upper floors of the existing building on Main Street and the Georgian building on Westgate are to be refurbished to retain commercial units at ground floor and convert the upper floors to apartments. This will require some demolition to the rear of the building, all of which is not of special interest and would not adversely affect the frontage where the façade and architectural detail will be preserved. However, these matters are being considered in more detail under the corresponding Listed Building Consent application.

Emerging policy SP44 states *“if a site lies within a Conservation Area, or is located nearby, planning permission will not be granted where development proposals neither preserve nor enhance the character or appearance of that area. Proposals will need to consider the Council’s Conservation Area character appraisals and any Supplementary Planning Documents or good practice guidance the Council publishes. The Council will consider proposals against guidance contained within relevant English Heritage guidance documents on Conservation Areas, such as “Valuing Places: Good Practice in Conservation Areas” (English Heritage, 2011)”*.

Emerging policy SP43, states: *“the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable”*.

There is a requirement that style, type and colour of the building materials should retain the character and vernacular of the area and the sand-blasting and cleaning of the exterior of the Westgate Chambers building stonework is considered to create a consistent palate of complementary materials which, together with the new shop frontages will significantly enhance the appearance of the building and the historic character of the conservation area.

The Council considers that the overall re-furbishment of the un-listed and the Grade II Listed Building would greatly enhance their character and appearance and correspondingly the character and appearance of the Town Centre Conservation Area. It is also considered that the improvements to the Westgate Chambers buildings surrounding the Grade II Listed Building would enhance its setting.

However, it is noted that the scheme includes the demolition of un-listed buildings on Domine Lane, these include a block of 1950s offices which is considered not be of special interest and a further block of rather fine Victorian commercial buildings.

This report considers the loss of the block of Victorian buildings.

The rationale for the demolition of these Victorian Buildings above is that the scheme is in-line with the adopted Town Centre Masterplan for this site, and officers have been in

discussions with the developer for a number of months to arrive at a scheme that is considered to be acceptable and of benefit to the town centre. Furthermore, the proposal will help the Council achieve the aspirations set out within the Masterplan and help in the regeneration of the town centre.

Officers are convinced by the viability argument set out by the developer. The developer commissioned a viability appraisal in respect of the scheme and this has been independently assessed. The result being that the scheme is only just viable and as a result no affordable housing or financial contribution over and above CIL is required.

The agent for the application in the beginning did look at keeping the building and renovating right at the beginning of the project during our pre-application discussions. However, after these initial drawings it became clear that the financial cost of bringing the building back into a useable state structurally and then renovating it internally to bring it up to modern standards would be such a strain financially that it would further render the whole scheme unviable. This would be further compounded as a result of the loss of retail floor space and reduced numbers of apartments to be provided, as it is this additional floor space that makes the whole scheme just about viable.

As a result the site would not be developed and would ultimately be left to further fall into a state of disrepair, which would further impact negatively on the character and appearance of the Conservation Area.

The Council acknowledges Historic England's objections but considers that the loss of this building would lead to less than substantial harm to the Town Centre Conservation Area. However, this loss requires clear and convincing justification.

The Council is of the view that the justification is twofold, firstly that as set out above the wider scheme would provide a considerable visual improvement to the Town Centre Conservation Area in terms of re-furbishing and bringing back into use these buildings. Furthermore, this development would lead to a sustainable re-use of these buildings and would lead to much needed regeneration of Rotherham Town Centre. Both of which are considerable public benefits.

Secondly, the Council considers that the applicant has provided a robust financial appraisal, which justifies that the overall scheme would not be viable without the loss of this building and the construction of the new residential block.

It is considered that the above, provides clear and convincing justification for the less than substantial harm to the Town Centre Conservation Area for the loss of this un-listed building. In conclusion it is considered that the overall scheme provides wide public benefits and therefore the above scheme is fully in accordance with the aforementioned policies and guidance.

General Amenity issues

The NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The distance between the rear of the new building and the rear of the existing building would be approximately 18 to 19 metres across the courtyard and whilst these

distances are less than the 21 metres required between habitable room windows of residential dwellinghouses, they are considered acceptable in this instance given the type and nature of the development and it is not uncommon for occupants of flat developments to be overlooked somewhat by other residents. In addition, the distance across Domine Lane to the flats in The Old Market building would be approximately 9 metres, the same principle above applies whereby in town centre locations distance between flat developments can be lower than between residential properties.

It is noted that the owner of the adjacent Bar 1915 has raised concerns about the west facing flats overlooking the front of the bar and its external seating area. The bar and its external seating area are public buildings as such they are not afforded the same privacy / distance between windows as two residential dwellings / buildings, furthermore the external seating and the bar area can be readily viewed from the neighbouring streets. As such it is considered that the proposed building would not impinge of the privacy of the patrons of the bar. In addition, the introduction of this building and residential flats will give the bar and the immediate surrounding area 24 hours of natural surveillance.

In addition the introduction of dormer windows in the roofslope of the building fronting Main Street would raise no overlooking or privacy issues.

Further to the above, it is considered that given the size, scale, form, height and massing of the new build, together with orientation of the site and its relationship with neighbouring buildings, it would not give rise to any significant loss of direct sunlight and / or natural daylight into neighbouring buildings.

It is therefore considered that the physical form of the new build, despite the objections received on amenity issues, would not significantly impact on the amenity of neighbouring residents by way of overlooking or overshadowing issues, and as such the objections do not outweigh the fact the proposed building satisfies paragraph 17 of the NPPF.

Notwithstanding the above, there are additional elements which can affect the general amenity of existing residents and future residents of the application site, this includes the impact of the existing night time uses in the existing and neighbouring buildings, which include bars and nightclubs and the impact of the future ground floor uses of the existing building which could include restaurants.

Core Strategy Policy CS27 states that: *“Development will be supported which protects, promotes or contributes to securing a healthy and safe environment...”* Furthermore, ‘saved’ UDP policy ENV3.7 states: *“The Council...will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning Permission will not be granted for new development which: (i) is likely to give rise...to noise, light pollution, pollution of the atmosphere...or to other nuisances where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporation preventative or mitigating measures at the time the development takes place...”*

Furthermore, emerging policy SP22 informs which uses are acceptable in town; district and local centres in principle, taking into account the needs, infrastructure and facilities of the settlements appropriate to their size. In terms of Rotherham town centre, the policy states *“proposals for residential use above ground floors will be supported*

providing that the development would not comprise the successful operation of the ground floor premises for commercial uses”.

In light of the above residential amenity is a key consideration, and any future granting of planning permission should ensure that appropriate design solutions are incorporated within the scheme to minimise noise impacts of town centre living within an area identified for late night uses. Policy SP22 states that a number of use uses are acceptable in principle, subject to the requirements of other relevant planning policies being met, these include: A1, A2, A3, A4, A5, B1, D1, D2, C1, C3, Theatres, Retail Warehouse Clubs, Casinos, Amusement Arcades, Taxi booking offices and public toilets.

There was initially concern due to the potential for nuisance to the future occupiers of the proposed apartments as a result of noise from music from the adjacent clubs and bars. A noise report was submitted and noise mitigation measures in terms of glazing and trickle ventilation specification was also provided. Further clarification regarding noise levels was requested from the Noise Consultant, Environmental Noise Solutions Limited in order to clarify that this type of noise would not be an issue. This has since been provided and makes clear that noise from music should not be a problem provided that the suggested noise mitigation measures are adhered to and this shall be appended as a condition.

There is also the potential for nuisance to the occupiers of nearby premises as a result of noise and dust emissions during the construction phase and whilst this is not a material planning consideration as it is covered under separate legislation, standard informatives about working hours and practises during the construction phase shall be appended.

The applicant has provided opening hours for the proposed new A1 retail unit of 8am to 10pm Mondays to Saturdays and 8am to 4pm Sundays. No opening hours have been proposed for the speculative A1, A2 or A3 uses proposed in the existing Units 1, 2, 3 and 4 of the building that fronts Main Street. However, it is considered that given the existing A4 uses within the same building fronting Main Street and in the Old Co-op Building fronting Westgate and Domine Lane have no opening hour restrictions in respect of planning control, it would be unreasonable to limit the opening hours of the new retail unit on Domine Lane and the speculative uses proposed in the existing building.

Further to the above, it is however considered reasonable to append a condition that requires the submission of extraction / filtration system should any of the proposed uses be occupied for a use where hot food would be cooked on site. This will ensure that the Council have control over this issue and to ensure any noise or odour does not affect existing and future occupants of this building and those immediately surrounding.

Having regard to the above it is concluded that despite the objections received the proposed development would not have a detrimental impact on existing and future residents and the existing night-time uses in the area will not adversely affect the amenity of future residents. Accordingly, it is considered that the proposed development in terms of amenity would be in full compliance with the requirements of paragraph 17 of the NPPF, adopted policies ENV3.7 and CS27 and emerging policy SP22.

Transportation issues

The proposal is comprised of multiple residential units sharing the same location. Policy CS14 and emerging policy SP59, guide how accessibility should be addressed through development, whilst ameliorating travel behaviour. Emerging policy SP29, states *“as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate”*. The Transport Assessment supplied with the application, performed by transport planners SCP, considers the site to be a suitable location for the proposed development and that there are no detrimental highways or transport issues.

The proposal will bring up to standard the rear courtyard area for parking of vehicles associated with the flats and will move the existing vehicular access further down Domine Lane towards Forge Island.

The proposed layout demonstrates the scheme requires part of Domine Lane to be stopped up as highway, and subsequent to planning permission being granted, the applicant will need to apply for ‘A Stopping Up Order’ under s247 of the Town and Country Planning Act 1990 and the works cannot commence until the order has been granted.

The proposed closure of part of Domine Lane will result in the loss of pedestrian facilities on the site frontage and therefore a scheme to provide replacement pedestrian facilities is required and this will result in the reduction in the width of the carriageway and the loss of the existing on street car parking facilities and a proposed scheme has been provided in draft form on the site layout plans.

All buildings will be served from the internal area only.

The Council’s Transportation and Highways Design section have indicated that subject to the required amendments to the Road Traffic Orders (waiting restrictions / car parking) in Domine Lane being carried out at the applicant’s expense then there are no objections to the proposed development from a highways perspective subject to several conditions, which include the submission of a scheme for replacement pedestrian facilities being submitted and approved before the development is brought into use; the submission for approval of a Construction Method Statement before works commence; the submission for approval of a Travel Plan before the site is brought into use and the car park layout to be implemented in accordance with the approved plans and for it to be suitable surfaced.

Landscape

Domine Lane was described in the Public Realm Strategy for Rotherham produced by Gillespies in April 2008 as a premium quality street (highest grade) and an important pedestrian link between the river and town centre recognising the importance of this location.

It is considered that the contemporary approach to the new build appears to be wholly appropriate in this location.

It is noted that given the character of the site and its town centre location there is limited scope for any soft landscaping and / or outside communal space for residents. Emerging policy SP40 indicates that for a development of this size it would be required to deliver at least 1760sq.m of new open space (i.e. 55sq.m per unit) based on the new apartment building alone. As this is not possible within the boundary of the site, the Council's Landscape department have indicated that a developer contribution should be sought to enhance existing green space which may consider possible enhancements to All Saints Square and Minster Gardens.

Notwithstanding the comments outlined above, a full viability appraisal has been submitted with the application. The appraisal has been independently assessed and the assessor concludes that there is significant pressure on the viability of the scheme and adding other planning contributions outside of CIL would only serve to increase this pressure and is likely to undermine the delivery of the scheme.

Therefore, with regard to the above comments it is not considered appropriate to request any financial contributions would not be appropriate in this instance.

Ecology

The site is in a bat referral area which means there may be bats present within the building and / or in the immediate surrounding area.

A bat survey was recommended to be submitted because of the dilapidated condition of some of the buildings, although the urban well-lit situation, at some distance from good foraging, it is unlikely to be suitable for most bats.

A Bat Survey report dated 6th April 2017 was submitted and has been assessed by the Council's Ecologist.

The Council's Ecologist has confirmed that the survey date was appropriate for a preliminary ecological appraisal. The report indicated that there were frequent loose tiles, corroded mortar, holes in brickwork, broken windows, etc. in the building. The Council's Ecologist has indicated that the buildings were in poorer condition than is suggested in the report and could be used by bats. However, given the urban setting, the well-lit surrounding roads and the distance from good foraging habitat, they concur with the conclusions of the report that there was no evidence of bats within the buildings that will either remain or be demolished.

Therefore it is considered that the proposal will not impact on any protect habitat or species and that the scheme complies with policy CS20 and a condition shall be appended to ensure that the recommendations outlined in the submitted report are implemented.

In addition to the above a Bat Dusk Emergency Survey was carried out at the request of the Council's Ecologist in late October 2017 for the Listed Building element and the results submitted which further confirms that no bats were seen or heard by any of the surveyors and no bat calls were recorded. Despite this being carried out outside of the optimum time for such a survey, the Council's Ecologist has confirmed that the information is acceptable and the survey time was acceptable in this instance due to the mild weather experienced at the time of the survey.

Notwithstanding the above, if during any part of the demolition or construction phase bats or other protected species are encountered they remain protected under UK and EU legislation 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 legislations. Therefore, if any protected species are found work should halt immediately and an appropriately qualified ecologist should be consulted.

Affordable Housing

This development will trigger the Council's affordable housing policy of 25% affordable housing to be delivered either on site or in the form of a commuted sum as an off-site contribution. In this instance a viability appraisal has been submitted which concludes that the scheme will be unviable if affordable housing is to be delivered. This information has been collated by the consultant Brownhill Vickers. In line with the Council's AH policy the Brownhill Vickers viability report has been the subject of assessment by an independent consultant.

The independent consultant has indicated their initial appraisal follows the approach adopted by the applicant, i.e. on the assumption of nil affordable housing, but with the CIL contribution of £30,750. Applying a profit equivalent to 20% on cost (or 16.68% on revenue) the scheme generates a site value of £240,353.

They conclude that, given the scale of the proposed redevelopment, it is their view that the site value of £240,353 would be regarded by most landowners as an insufficient incentive to release the land for development. In terms of viability they assess that even without any affordable housing contribution (or other planning policies) there is a significant pressure on the viability of the scheme. Adding affordable housing / other planning policies would only serve to increase this pressure and is likely to undermine the delivery of the scheme. On this basis, it is agreed that a zero affordable housing provision should be applied to the project.

Therefore in light of the above no affordable housing is to be provided within the scheme as the assessment is supported.

Conclusion

The proposed development has been fully assessed and is acceptable in policy terms, the proposal to refurbish the existing buildings on site to create retail units with residential apartments above is fully supported and the loss of the buildings on Domine Lane and redevelopment of this area has been subject to objection and therefore very carefully considered within this report. It is considered that the requirement to demolish has been fully justified within the application and that the benefits of bring forward this wider scheme outweigh the loss of the buildings.

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 06 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 06 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)

4137 001 Rev A, received 4 December 2017
4137 003 Rev F, received 4 December 2017
4137 010 Rev G, received 4 December 2017
4137 011 Rev G, received 4 December 2017
4137 012 Rev C, received 4 December 2017
4137 013 Rev D, receive 4 December 2017
4137 014 Rev K, received 4 December 2017
4137 015 Rev J, received 4 December 2017
4137 030 Rev I, received 17 November 2017
4137 032 Rev H, received 4 December 2017
4137 035 Rev J, received 17 November 2017
4137 036 Rev H, received 17 November 2017
4137 042 Rev E, received 4 December 2017
4137 043 Rev F, received 4 December 2017
4137 045 Rev C, received 4 December 2017
4137 046 Rev A, received 4 December 2017
4137 047 Rev B, received 4 December 2017
4137 048 Rev A, received 4 December 2017
4137 050, received 4 December 2017

Reason

To define the permission and for the avoidance of doubt.

03

The building hereby proposed on Domine Lane shall not commence construction above ground level and external alterations / renovations to other buildings within the site

boundary shall not commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

04

Units 1, 2, 3 and 4 as shown on Drawing No. 4137 042 Rev E, shall be used for A1, A2 and A3 uses only as defined in the Town and Country Planning (Use Classes) Order, 1987, (or any Order revoking and re-enacting that Order with or without modification).

Reason

The premises are not considered suitable for general use within certain other Use Classes for amenity reasons and in accordance with Core Strategy Policy CS27 Community Health and Safety.

Highways

05

Before the commencement of construction of the new building on Domine Lane hereby approved, details of the proposed scheme in Domine Lane as shown in draft form on Drg No 4137/003 rev F shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the building on Domine Lane being brought into use.

Reason

In the interests of road safety and to ensure a satisfactory alternative is provided.

06

Prior to the commencement of works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interests of road safety and the amenity of local residents, businesses and pedestrians.

07

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation. . For

further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

08

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

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 building can be reached conveniently in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

09

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

Reason

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

Drainage

10

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

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

11

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes and design of buildings to prevent entry of water, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

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

Ecology

12

The development shall be carried out in accordance with the recommendations of the submitted and approved bat survey. Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981 and in accordance with UDP Policy ENV2 'Conserving the Environment'

Environmental Health

13

The development shall be carried out in accordance with the specifications provided in Table 5.1 (Ambient Noise Levels and Associated Scheme of Sound Insulation) of the Environmental Noise Solutions Limited report 'Noise Impact Assessment for Proposed Mixed Use Development, Westgate Chambers, Rotherham, S60 1AN' dated 3rd July 2017. The glazing and trickle ventilation shall meet or exceed the specifications outlined in Table 5.1 at all times unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenity of the future residents of the development and in accordance with Core Strategy Policy CS27 Community Health and Safety.

14

All cooking fumes shall be exhausted from the building via a suitable extraction and/or filtration system. This shall include discharges at a point not less than one metre above the highest point of the ridge of the building or any such position as may be agreed in writing by the Local Planning Authority prior to the sale of any hot food from any of the units. The extraction/filtration system shall be maintained and operated in accordance with the manufacturer's specifications, details of which shall be submitted to and

approved by the Local Planning Authority prior to installation and it shall thereafter be operated effectively during cooking. All systems shall take into account the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA January 2005.

Reason

So as to ensure correct dispersion of cooking odours to avoid disamenity to the locality and in accordance with Core Strategy Policy CS27 Community Health and Safety.

Land Contamination

15

Following demolition works a Phase II Intrusive Site Investigation should be undertaken to assess both the potential geotechnical and geo-environmental constraints at the site. 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 should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4).

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16

Subject to 15 above and prior to development commencing on the construction of the new building on Domine Lane, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. 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 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.

17

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18

Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the 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 postremedial 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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives

01

Except in case of emergency, no operations shall take place on site other than between the hours of 0800 to 1800 hours Monday to Friday and between 0900 to 1300 hours on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

02

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

03

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsters, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to

permit a resumption. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

04

Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

05

Glazing and trickle ventilation must meet or exceed the specifications provided in Table 5.1 (Ambient Noise Levels and Associated Scheme of Sound Insulation) of the Environmental Noise Solutions Limited report 'Noise Impact Assessment for Proposed Mixed Use Development, Westgate Chambers, Rotherham, S60 1AN' dated 3rd July 2017.

06

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.

07

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.

08

South Yorkshire Police Architectural Liaison Officer has strongly recommends that the Apartments should be constructed to Secured by Design standards.

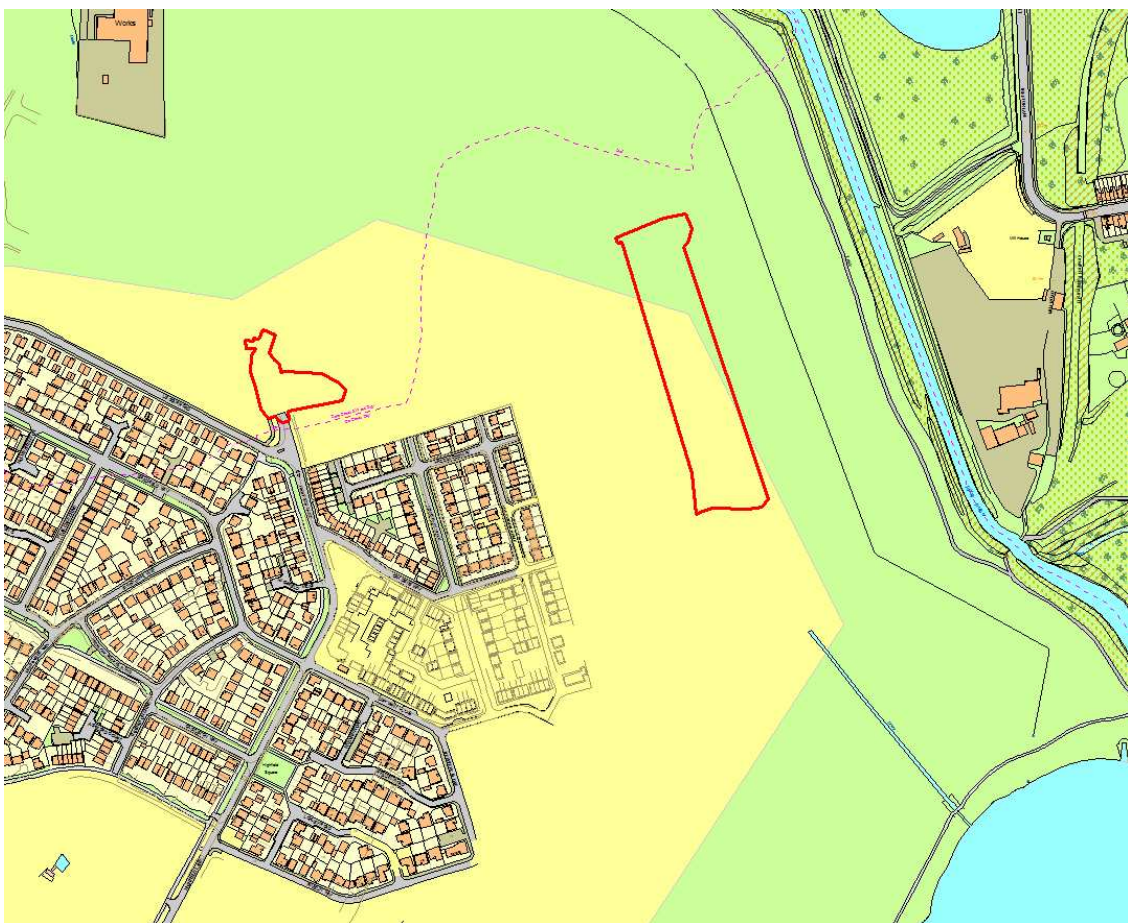
- All communal entrance and exit doors must be to LPS 1175 SR 2 or better, all flat doors and ground floor windows should be to PAS 24:2016 the required standards for Secured by Design.
- All ground floor glazing must be laminated, including to the retail units.
- All communal space must be lit 24/7 to BS 5489, including stairwells and lift lobbies, Stairwells to be open and well lit, the user should be able to see the next staircase ahead.
- Any landscaping should be kept low and trees to have no foliage below 1m to aid natural surveillance.
- Access control must be used on the parking area and from the parking area into the building.
- The apartment entrances and parking areas must be well lit again to BS 5489 with no dark areas.
- Audio/visual access control should be used on the entrance for the apartments.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2017/1407
Proposal and Location	Engineering works to provide enabling infrastructure comprising installation of pipe work and open watercourse for surface water and foul drainage and the construction of an extension to Highfield Lane and landscaping at Phase 2a and Highwall Park, Waverley
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site extends to approximately 3.5 hectares in area and is located within the Waverley New Community which is to the east of Sheffield and west of Rotherham. The site comprises of an area of land to the north of the partially constructed Highfield Lane and two separate sites to the east of the dwellings that are nearing completion, in an area identified on the masterplan as Highwall Park

Background

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990. Since then a number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, a number of applications were submitted relating to a new community, the relevant ones are listed below:

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011
- RB2011/1296: Application under S73 with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011
- RB2012/1428: Application under S73 with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of the works to be undertaken. - GRANTED CONDITIONALLY ON 26/04/2013
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way – GRANTED CONDITIONALLY on 29/09/2014
- RB2017/0743 - Application under Section 73 for a minor material amendment to vary conditions 2, 3, 4, 6, 7, 8, 14, 16, 22, 24, 37 & 39 imposed by RB2015/1460 (Outline application for Waverley New Community) which relate to the Masterplan Development Framework and Principles Document, floorspace limits of none residential use classes and highway improvement works – GRANTED CONDITIONALLY on 05/12/2017

Proposal

This is a full application for engineering works to regrade land within the Highwall Park area and the provision of drainage and highway works to facilitate the next phase of residential development.

Specifically the proposal includes:

1. Drainage work

The application proposals provide the drainage pipe work which will link Phase 2A to the wider drainage infrastructure at the Waverley New Community Site. The submitted plans detail the surface water and foul water drainage required to service Phase 2A.

Foul drainage pipes which form part of the existing foul sewer infrastructure across the Waverley New Community Site already serve Phase 2A. These proposals propose to extend this pipe work under the proposed extension to Highfield Lane to extend to future development plots to the north of the application site.

The proposals also create an open watercourse which will run through Highwall Park and drain surface water from development plots into the reservoirs to the south of the Waverley New Community Site.

The works to provide the surface water drainage pipes that discharge water from Phase 2A to the proposed watercourse at Highwall Park are also proposed.

2. Earthworks:

The application site contains three parcels of land to facilitate the infrastructure works, one of these parcels of land contains some of the land which is proposed to become part of Highwall Park; a public park to serve Waverley New Community and in which the proposed open watercourse motioned above runs through.

The proposed development includes earthworks to regrade the land to form the Highwall Park open watercourse. The submitted plans show 13,150 cubic meters of earth will be cut from the area identified in red on the submitted plans and 3,280 cubic meters of earth will be used to fill the land levels (shown in green) to form the watercourse.

The 9,870 cubic meters of excess earth which will have been cut through these proposals will be temporarily located to the north of the main earthworks area, next to an existing earth stock pile.

The excess earth will be stored in this area and will be stock piled up to a maximum height of 4m until it is required for the regrading of land for Highwall Park or for the next Phase of development in the Catcliffe Gate area. It is anticipated that the works that will require this earth would be undertaken within 12 – 24 months of it being moved. The detailed design, levels and landscaping of Highwall Park will come forward as part of a future application following the approval of a design code.

3. The construction of an extension to the highway (Highfield Lane):

The application proposals include the extension to Highfield Lane. The construction of this extension will include the construction of the main carriageway, the provision of a

pedestrian/cycle crossing and the formation of a junction off Highfield Lane which will serve Phase 2A to allow vehicular and pedestrian access.

4. Landscaping

The submitted plans show areas which will be landscaped as part of the proposed infrastructure proposals. The exact detail of the landscaping in these areas together with their implementation and maintenance are not provided as part of this submission..

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'

CS3 'Location of New Development'

Unitary Development Plan 'saved' policy(s):

Policy ENV3.7 'Control of Pollution'

Emerging Sites and Policies DPD policy(s)

SPA1 'Waverley New Community'

Other Material Considerations

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

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

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

Publicity

The application has been advertised by way of a press and site notices along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

Consultations

Streetpride (Transportation and Highways) confirm that the revised layout of the Highfield Lane extension is acceptable and the agreement from the applicant that they will fund a Traffic Regulation Order alleviates any concerns regarding on street parking within this immediate area.

Environmental Health (Noise and Dust) acknowledge that there is potential for neighbouring residential housing to be affected by noise and dust during the construction works, however it is considered that this can be controlled by appropriately worded conditions.

Environmental Health (Land Contamination) acknowledge that sufficient materials will be available (from proposed cut and fill works) from the wider area on the Waverley site and therefore there is no requirement for the import of material to site. On that basis no objections are raised subject to the imposition of conditions.

Streetpride (Drainage) confirm that the drainage proposals are satisfactory and note that when the site is to be developed the applicant will be required to provide additional and more detailed drainage proposals.

Streetpride (Landscape) acknowledges that the detail of the landscaping works will be provided as part of an application to discharge conditions but will be brought forward in accordance with the approved Waverley Walk Design Code.

Yorkshire Water raise no objections to the proposed works.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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

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

- The principle of the development
- Visual Amenity
- Transportation Issues
- Drainage and Flood Issues
- General Amenity Issues

Principle of Development

The site has an extensive history in relation to its mining and subsequent restoration. In 1994 the restoration of the entire Waverley site was approved under ref: R93/1058P.

Subsequent applications have been approved which include the continuation of the restoration with variations to conditions, including extensions to the time for its completion.

Since this time, the Core Strategy has been adopted which sets out the spatial strategy for the whole Borough; identifying the broad locations for delivering new housing and employment, including provision for retail, leisure and community facilities, how much new development is needed, where it should go and when it should happen. It also sets out the strategic policies and the required new infrastructure to make all this happen.

In Policy CS1 'Delivering Rotherham's Spatial Strategy' the last sub section is titled 'New Community at Waverley' and the text states the following:

"Waverley is identified as a Principal settlement. Planning permission has been granted for the creation of a new community of 3,900 homes with supporting services and facilities. It is expected that in the plan period 2,500 dwellings will be built on the site and approximately 42 hectares of employment land developed."

Additionally, the Sites and Policies DPD was submitted to the Secretary of State in 2015 and an Examination has recently taken place. Draft Policy SPA1 Waverley New Community acknowledges that this site benefits from permission for a large scale mixed use community principally comprising of residential development with complementary retail, community and commercial uses.

The proposal seeks permission for engineering operations to create the required levels for Highwall Park, an open watercourse for the drainage of surface water and underground pipe works for foul and surface water drainage. In addition it is also proposed to create an extension to Highfield Lane. All of these works are required to facilitate the next phase of residential development known as Phase 2a.

In this regard, it is considered that the temporary engineering works to provide the enabling infrastructure fully accords with the principles of Policy CS1 and Draft Policy SPA1, together with Paragraph 20 of the NPPF.

Visual Amenity

Core Strategy Policy CS28 'Sustainable Design,' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality 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. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The NPPF at paragraph 17 states that as one of its core planning principles that: "planning should always seek to secure a high quality design." Paragraph 56 further states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people." In addition, paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The proposals represent the enabling infrastructure to deliver the next phase of built development and are located primarily within land identified as Highwall Park on the approved masterplan. In order to create the open watercourse which will provide the surface water drainage solution for this area and a design feature of the park, it is required to regrade the land to create the ditch. This ditch will be 1.3m wide and 1.3m deep with 1 in 3 slopes. The surplus material taken from this area will be stockpiled adjacent to an existing pile to the north of the site. The pile will have a maximum height of 4m and be stored for a period of 12-24 months until it is required for the regrading of land for Highwall Park or for the next Phase of development in the Catcliffe Gate area..

The creation of the open watercourse will provide an attractive setting in which Highwall Park can be designed around. This watercourse is identified in the approved Design Principles and Framework document and is a welcome addition to the ongoing development of the site. The stockpiling of the surplus material, whilst not ideal will be for a temporary period of time and located a sufficient distance away from any residential properties on an undeveloped area of the site. It will therefore not have a detrimental impact on the visual amenities of the site by reason of it being a prominent feature within the residential community.

Having regard to the above it is considered that the proposed works are constant with the provisions of Policy CS28 'Sustainable Design' and paragraph 17 of the NPPF.

Transportation Issues

The application proposals include an extension to Highfield Lane. The construction of this extension will include the construction of the main carriageway, the provision of a pedestrian/cycle crossing and the formation of a junction off Highfield Lane which will serve Phase 2A to allow vehicular and pedestrian access. The Council's transportation department have assessed the design and layout of this extension and consider it to be appropriate to accommodate future development.

In terms of the proposed regrading of land, the applicant does not propose to remove any earth from the site; therefore there will be no additional traffic movements on the local highway network as a result of the proposed works.

It is therefore not considered that the temporary engineering works would have a detrimental impact on the local road network or highway safety. Furthermore the design of the proposed extension to Highfield Lane is considered to be acceptable. In this regard it is considered that the proposed works are in compliance with the provisions of UDP Policy T6 'Location of Development'.

Drainage and Flood Issues

The application proposals include the installation of drainage pipe work which will link Phase 2A to the wider drainage infrastructure at the Waverley New Community Site. The submitted plans detail the surface water and foul water drainage required to service Phase 2A.

Foul drainage pipes which form part of the existing foul sewer infrastructure across the Waverley New Community Site already serve Phase 2A. These proposals do however

propose to extend this pipe work under the proposed extension to Highfield Lane to extend to future development plots to the north of the application site.

The proposals also create the watercourse (known as Feature B within the Outline Surface Water Strategy) which will run through Highwall Park and drain surface water from development plots into the reservoirs to the south of the Waverley New Community Site.

The works to provide the surface water drainage pipes that discharge water from Phase 2A to the proposed watercourse at Highwall Park are also proposed. Phase 2A is located within Area 3 (WNC6) of the WNC Surface Water Strategy and as the proposals indicate, surface water will be discharged to the proposed watercourse which in turn will feed into the reservoirs. All proposed sewers will be constructed to Yorkshire Water's adoptable standards.

The Council's Drainage Engineer has reviewed the submitted information together with information contained on the submitted plans and has confirmed that no objections are raised from a drainage and flood risk perspective. However the application has been assessed on a standalone basis and the suitability of the works to serve a specific future development has not been considered. Any future application for residential development will therefore need to include full drainage details.

Having regard to the above the proposal is considered to be acceptable in that it will not generate any significant flood risks that will adversely impact on the development proposals that are the subject of this application and the drainage of any future development of the site will be assessed separately.

General Amenity Issues

Having regard to general amenity issues, the closest residential properties are located some 180m away on Rosewood Drive, some of which are occupied, others are under construction. The main issues arising from the proposed development therefore relate to whether the proposed earthworks will have a detrimental effect on the amenity of residents by reason of unacceptable levels of dust and noise associated with the earth moving operations.

In this regard it is acknowledged that the earthmoving works will generate some levels of noise and dust while they are taking place. Nevertheless it is considered that the residential properties are located a sufficient distance away from the application site for the nuisance to generate unacceptable levels. Furthermore, the works will only take place over a maximum period of 3 months between January and March 2018.

The Council's Environmental Health have assessed the submitted information and raise no objections to the proposed works given the sites location and subject to the imposition of conditions. It is therefore considered that the proposed works which are only for a temporary period of time will not have a detrimental impact on the living conditions of the occupiers of neighbouring residential properties, in accordance with UDP Policy ENV3.7 'Control of Pollution'.

Conclusion

The proposed works represent enabling infrastructure to deliver the next phase of residential development. In this regard, it is considered that these temporary engineering works to provide fully accords with the principles of Policy CS1 and Draft Policy SPA1, together with Paragraph 20 of the NPPF.

Visually the formation of the drainage ditch will provide a design feature in which the remainder of Highwall Park can be designed around and the stockpiling of surplus will only be in situ for a maximum of 24 months. It is therefore considered that the proposed works are consistent with the provisions of Policy CS28 'Sustainable Design' and paragraph 17 of the NPPF.

The works will be carried out over a period of 3 months, therefore any noise and disturbance to existing Waverley residents will be short lived and given they are located a sufficient distance away from the application site will not represent unacceptable levels in accordance with UDP Policy ENV3.7 'Control of Pollution'.

Conditions

01

The engineering works hereby approved shall be completed no later than 01 May 2018 unless otherwise agreed in writing by the Local Planning Authority

Reason

In the interests of the amenities of local residents in accordance with UDP Policy ENV3.7 'Control of Pollution'.

02

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 as shown on the approved plans (as set out below)

- Proposed Works for Plot 2A Location Plan/Earthworks Plan (Ref: PL.01.04 Rev: P1);
- Highfield Lane Phase 2A Proposed Highway and Drainage Layout (Ref: PL.01.02 Rev: P3);
- Highwall Park Works for Plot 2A Drainage and Earthworks Layout (Ref: PL.01.03 Rev: P4);
- Highwall Watercourse (Phase 2a) Long Section (Ref: Hwc.10.01 Rev P01)
- Highwall Watercourse (Phase 2a) Typical Sections (Ref: Hwc.08.01 Rev P1)
- Highwall Water Course (Phase 2a) General Arrangement (Ref: Hwc.06.01 Rev P1)
- Highwall Water Course (Phase 2a) Earthworks - Cut – Fill (Ref: Hwc.06.02 Rev P1)
- Proposed S104 Drainage General Arrangement (Ref: HWC.05.01 Rev P1)
- Proposed S104 Drainage Standard Details (Ref: HWC.05.03 Rev P1)

Reason

To define the permission and for the avoidance of doubt.

AMENITY

03

Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

Reason

In the interests of the amenities of local residents in accordance with UDP Policy ENV3.7 'Control of Pollution'.

04

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

Reason

In the interests of the amenities of local residents in accordance with UDP Policy ENV3.7 'Control of Pollution'.

LAND CONTAMINATION

05

Prior to commencement of development a site specific earthworks method statement shall be submitted and approved in writing by the Local Planning Authority detailing the exact works to be undertaken. The development shall thereafter be carried out in accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite.

06

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 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.

LANDSCAPE

07

Prior to commencement of development, details of both hard and soft landscaping to Waverley Walk key space 'school square' shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be in accordance with Waverley Walk Design Code and be prepared to a minimum scale of 1:200, and clearly identify through supplementary drawings the following where appropriate:

- Existing and proposed finished levels
- Car parking layby's layouts
- Hard surfacing materials to pedestrian and vehicular areas
- Minor artefacts and structures (e.g. furniture, water features, public art, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground where likely to impact on tree planting (e.g. drainage, power, communication cables, pipelines, inspection chambers, etc.)
- Highway visibility requirements
- Retained existing site features where relevant.
- Planting plans, Written specifications (including ground preparation, cultivation and other operations associated with plant and grass establishment) Schedules of plants, noting species, planting sizes and proposed numbers / densities or planting distances
- Written details of the responsibility for ongoing maintenance and a schedule of operations.
- An implementation programme

Development shall thereafter be implemented in accordance with the approved details and in accordance with the appropriate standards and codes of practice.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS 21 'Landscapes' and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

08

Prior to commencement of the development a detailed landscape scheme for the reinstatement of Highwall Park shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS 21 'Landscapes' and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

09

The landscape scheme shall be prepared to a minimum scale of 1:200. The landscape scheme 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 treatments or gateway features to be erected were relevant.
- 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 ongoing maintenance and a schedule of operations.

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS 21 'Landscapes' and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

10

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS 21 'Landscapes' and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

TRANSPORTATION

11

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval

INFORMATIVE

01

Surface water discharge from new development should ideally 'mimic' the pre-development situation using a sustainable drainage system so that the flow and volume of water in watercourses is not increased.

02

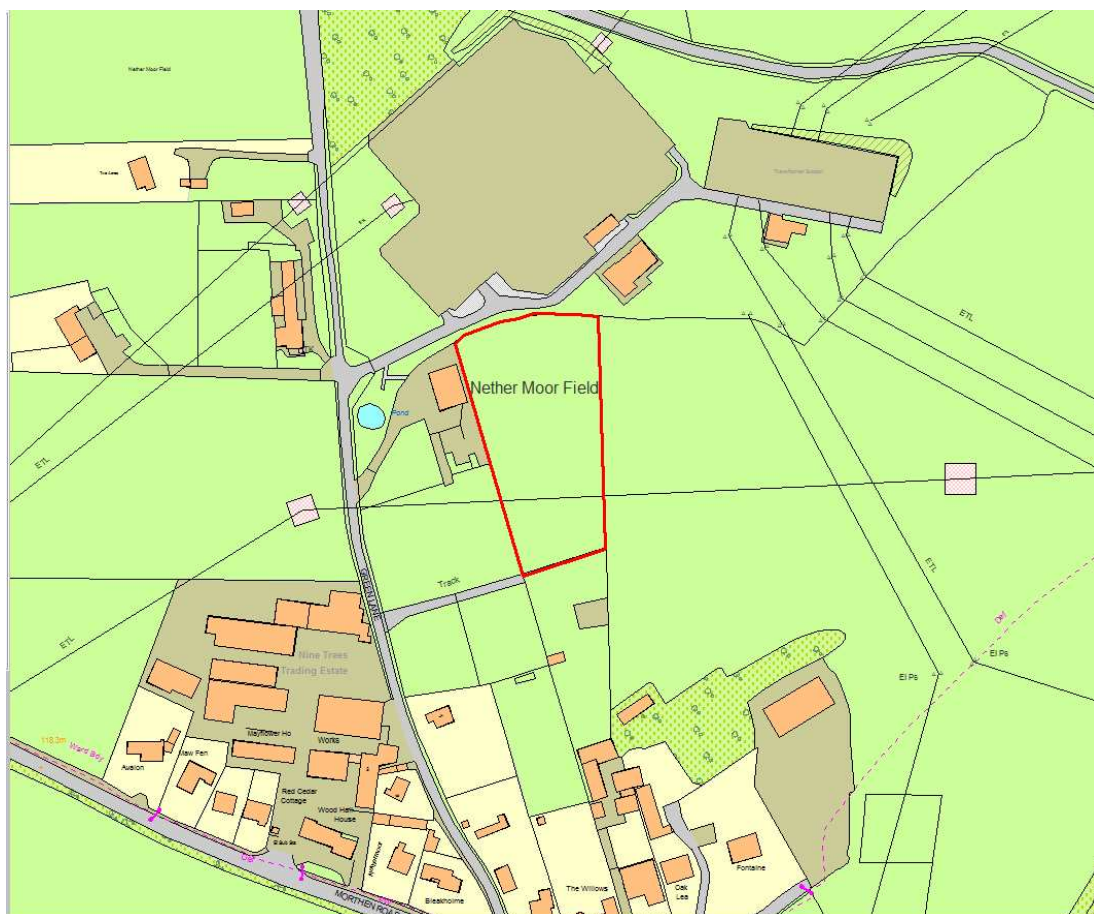
The details for foul water disposal should be agreed with the sewerage undertaker for this area.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2017/1426
Proposal and Location	Small scale electricity battery storage facility consisting of 25 No. 2MW battery containers and 10 No. 2MW Inverters, plant & substation, 2.4m security fencing and external works at Nether Moor Field, Green Lane, Thurcroft
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site is an open field located to the south of the existing Thurcroft electricity sub-station site, and to the rear of an existing agricultural building, that is also owned by the applicant. Across Green Lane to the west is a commercial dog kennels whilst to the south and east are open fields.

Background

There have been no relevant previous planning applications relating to this site.

A planning application for a similar battery storage facility (50MW capacity) has also been submitted on land off Moat Lane, just to the north of the Thurcroft substation site, reference RB2017/1717.

Proposal

The application seeks full planning permission for the construction of an Energy Storage System and associated infrastructure, to provide 50MW of battery storage. This would consist of the provision of a switch room building and 132KVA substation building, both of which would be sited close to the northern boundary of the site, directly adjacent to the Thurcroft Substation site, and 25 x 2MW battery storage containers (13m long, 2.6m wide and 2.7m high), and 10 inverters (6.5m long, 2.6m wide and 2.7m high). The site would be secured by the provision of 2.4m high security fencing.

Access to the site would be via the existing access to the adjacent agricultural building off Green Lane, and the access would be widened to accommodate the larger vehicles required to deliver the equipment to the site. A turning facility would also be provided on this site. The applicant has indicated that the development is expected to generate 25 deliveries for the batteries and 5 for the switch gear, these will be staggered through the day to approx. 3-4 a day to ensure that there is not a stacking up of deliveries. Once the development is completed, only one or two visits per year would be required by a maintenance engineer normally in a transit van size vehicle. As such, two parking spaces are required on site.

The applicant has assessed local distribution networks to identify sites close to Distribution Network Operators (DNOs) primary substations where the network could accept embedded generation by means of a Sequential Test. This looks at other sites both in and out of the Green Belt to demonstrate that there are no other more suitable sites. (DNOs) are companies licensed to distribute electricity in Great Britain. The Sequential Test looks at all alternative sites within 1km of the application site and states that sites further than 1km in distance would prove to be unviable in terms of infrastructure costs and practicality with connection with multiple landowners and disruption caused.

The applicant has also submitted a Design and Access Statement (DAS) which notes that: "The site requires a sufficient point of connection for gas and capacity for the national grid connection."

It adds that: "The facility would provide a key source of flexibility to address some of the challenges associated with the transition to a low carbon electricity sector. By storing energy when demand is low and releasing it over periods of extreme demand, the development will help the energy sector cope with the peaks in supply and demand that the energy sector faces on a daily basis."

The DAS notes that: "Energy Storage is the capture of energy produced at one time for use at a later time. With around two thirds of existing power stations expected to reach their working lives by 2013 battery storage can reduce the investment needed in the replacement capacity. By being able to react quickly to demand needs, it can also help minimise spending on upgrades to the network to be able to cope with the significant peaks and troughs in the flow of electricity."

As well as benefits to the network successful development of commercial battery storage is seen as the missing link to help accelerate the shift to a low carbon economy and offers huge potential to integrate more intermittent generation such as wind and solar in the energy mix.

System frequency continuously changes and is controlled by real time balance between system demand and generation. Too much demand, or too much generation, can lead to blackouts. 3 Therefore, it is critical that the National Grid has back up mechanisms in place to counter any unexpected frequency change.

At the grid scale, energy storage is perfect for providing any electricity network with power and energy on short notice to help match the supply with the demand. The current alternative to energy storage is to operate what are called Peaking Plants, which are fossil-fuel burning plants that are left ticking over just in case there is an emergency stress event. In this way battery storage systems, which are completely emission free, reduce the CO₂ and other pollutant, impact greatly.

In addition to contributing to the existing changes in energy demand, the facility will support the transition to a low carbon economy. The adoption of large-scale renewable energy has brought and will continue to bring a range of challenges for the grid operator to manage such volumes of intermittent generation. Energy storage facilities such as battery storage will provide a complimentary technology alongside other renewables to meet these challenges.”

The development is proposed to be temporary for 20-30 years after which the site will be returned to its current position. No physical changes are proposed to the land in terms of earth removal or levelling.

The applicant has stated that they seek to locate these facilities on brown field sites wherever possible. However, the primary requirement in identifying a site is the proximity to a substation with sufficient capacity to cope with the requirements of their batteries. This site is considered to be ideal for this purpose. The applicant has stated there is no issue regarding constructing the site in spite of the power lines crossing the field and they have confirmed that installation is technically possible.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

Core Strategy policy(s):

CS4 'Green Belt'

CS28 'Sustainable Design'

CS30 'Low Carbon and Renewable Energy Generation'

Unitary Development Plan 'saved' policy(s):

ENV3.7 'Control of Pollution'

UTL3.3 'Energy Conservation'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

No relevant Policies.

Other Material Considerations

National Policy Statement for Energy (EN-1).

Upgrading Our Energy System: Smart System and Flexibility Plan 2017 (BEIS and Ofgem).

The Secretary of State for Energy and Climate direction for UK energy policy – November 2015.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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

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

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

Publicity

The application has been advertised by way of a press and site notice as the application represents a departure from the Development Plan and a letter of objection has been received from Wickersley Parish Council, which has also been signed by 15 individual objectors. In addition, a letter of objection has been received from a local resident and from the agent dealing with the alternative site on Moat Lane, though the agent supports the thrust of the Council Officers recommendation around the principle of providing a battery storage facility which can connect into the Thurcroft substation. Finally, a letter in support has been received from a resident of Rotherham.

The objections raised are that:-

- The site currently comprises open land within the Green Belt and the applicant has not, to date, demonstrated very special circumstances to justify the normal presumption against development such as this.
- The proposed development will have an adverse visual impact.

- No information is provided about whether there will be noise associated with the development.
- The development should be accommodated on a brownfield site, not on open land within the Green Belt.
- The red edge plan does not include the proposed access to the site.
- Existing vegetation would require removal to upgrade the access.
- Overhead powerlines cross over the site, have appropriate easements been considered in accordance with National Grid guidance.
- The application should be referred to the Government Office as a departure.

The letter in support states:-

- I fully endorse this application bearing in mind the site borders the substation which will reduce the impact on the local environment.
- The Parish Council is not reflecting the views of the community due to the lack of objection from other residents.
- The site in question is set back from the road and will adequately meet the requirements for the grid network. Appropriate hard landscaping will reduce the impact on the local environment generally.
- The government is fully aware that we require sufficient facilities as this to meet the needs of the national grid.

Three Right to Speak requests have been received, one from Wickersley Parish Council and two from the objectors.

Consultations

RMBC - Transportation and Highways Design: Originally raised query about width of access but on receipt of an amended plan have no objections subject to conditions.

RMBC – Environmental Health – Have raised no objections subject to submission of a noise assessment.

RMBC - Landscape Design: Have no objections.

RMBC – Ecologist: Because the site is isolated from known sites of nature conservation and sensitive habitats, no reservations about air quality, noise or water/soil pollution are raised.

RMBC – Drainage: Have no objections subject to conditions.

National Grid – No comments received at time of publishing the report.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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

The main considerations in the determination of this application are:

- The principle of the development, including impact on openness.
- Impact on character and appearance of the area, and impact on local landscape.
- General amenity
- Highways
- Drainage
- Ecology
- Cumulative impact
- Very special circumstances
- Other matters raised

Principle

The application site is located within the Green Belt and represents a departure from the Development Plan and the proposed development does not constitute one of the exemptions outlined within paragraph 89 of the NPPF for new buildings in the Green Belt. In addition, the use of the site for the siting of the containers is also considered to represent inappropriate development in the Green Belt.

Therefore the proposed development would be inappropriate development in the Green Belt as defined by the NPPF. As such in light of the above the main considerations in respect of whether the principle of development is acceptable are:

- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area;
- whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Openness:

The site is currently open and level and consists of grazing land and the proposed development will undoubtedly have an impact on the openness of the Green Belt. This impact will take place during the lifetime of the development, which is estimated to be 25 years. As the site is currently devoid of any buildings and the current proposal would by definition be inappropriate development it would have an impact on openness. The NPPF states: "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."

Therefore, the proposal represents inappropriate development and has an impact on the openness of the Green Belt. Permission should not be approved except in very special circumstances. These are discussed in more detail below.

Impact on character and appearance of the area, and impact on local landscape.

The site is relatively well hidden from public views, with the large Thurcroft substation site directly adjacent to the north and the large agricultural building to the west which screen views of the site from Green Lane. In addition, the local landscape contains a number of large electricity pylons that cross the land. When viewed from longer distance from Kingsforth Lane across the M1 to the east (which is in a cutting), the proposed structures would appear relatively small scale and it is not considered that they would have a significant impact on the character or appearance of the area in general. In any event, it is proposed that the permission would be granted for a temporary period only, at the end of which the buildings and structures would be removed from the site.

General amenity

Paragraph 17 of the NPPF states development should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Core Strategy Policy CS27 states that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..." 'Saved' UDP policy ENV3.7 further states: "The Council will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which: (i) is likely to give rise...to noise, light pollution, pollution of the atmosphere...or to other nuisances where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporation of preventative or mitigating measures at the time the development takes place..."

The proposed development would be sited approximately 80m from 1 Green Lane to the south and the applicant states that the impact on nearby residents would be minimal as the facility does not generate significant noise. It is noted that the site is located adjacent to the existing larger electricity substation site, and to the east is the busy M1 motorway. In addition, across Green Lane to the west is a dog kennels. It is not considered that the additional noise generated by the proposed facility would significantly adversely affect the amenities of nearby residents, though a condition is recommended that a noise assessment be submitted before development commences to clearly demonstrate this.

Highways

Improvements are proposed to the access which is considered acceptable to accommodate the vehicles required to deliver the plant and equipment to the site. In these circumstances, the proposal is acceptable in highway terms subject to recommended conditions.

Drainage

The site is in Flood Zone 1 where there is no impact on flooding. The Council's Drainage Team has no objections subject to relevant condition.

Ecology

The nearest ancient woodland is Pea Carr Wood which is 860m to the south-west. The next nearest is Liner Wood (1,019m to the west) and Wickersley Wood (1,628m to the north-west and north). The nearest Local Wildlife Site is Kings Pond Plantation which is

862m to the north-east. The next nearest (Wickersley Wood, Wickersley Gorse and Thurcroft Hall) are over 1,000m away. None of the ancient woodlands or Local Wildlife Sites are structurally connected to the site and it is considered that they are sufficiently far away so as not to be affected by the proposed developments.

The western hedge appears to comprise six bushes whilst the northern hedgerow is more complete but appears gappy and straggly. Consequently, these are not likely to be important for bats. There are no buildings on the site, so bat roosts in buildings are not an issue. The site is not within a bat constraint zone (as identified on Mapper). There is a pond marked on Mapper 40m to the west and the potential of this and the site to support great crested newts should be investigated.

Alterations to the hedge on Green Lane are minimal and in view of the above no objections are raised subject to recommended conditions.

Cumulative impact

As the connection is below 150MW the Distribution Network Operator (in this instance, Northern Power Grid) is the point of contact for the connection. They in turn have stated:

"The current connection point in this area is our Thurcroft Supply Point. I can confirm that currently the Green Lane site is the only currently accepted battery Storage facility who has accepted a connection on to our network. We have had several other enquiries in this area but due to the acceptance of several connection offers onto Thurcroft we have very limited capacity left and in order to allow the connection of any other large generation projects we will be required to talk to National Grid for reinforcement works. The last estimate was around £16m plus connection costs which would not be financially viable for any current project in our experience."

This indicates that the alternative scheme off Green Lane is the preferred site for the District Network Operator and that the potential for both being developed is minimal. Notwithstanding that, it is considered that if both schemes were developed out the cumulative impact would be acceptable, bearing in mind the existing infrastructure in the area in the form of the substation and overhead powerlines, and the relatively low scale and temporary nature of the development.

Very special circumstances

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

The proposal is directly related to renewable energy, the system will store electricity produced from renewable sources during periods in low demand and release electricity to the grid when demand is high, thereby maximising the benefits of renewable energy that has been produced and minimising its wastage.

The overarching National Policy Statement for Energy (EN-1) is part of a suite of NPSs issued by the Secretary of State for Energy and Climate Change. It sets out the

Government's Policy for delivery of major energy infrastructure. EN-1 was written prior to any viable method of storing electricity was developed, and therefore energy storage is not considered directly in the statement. However, the principals which support energy storage are considered, and therefore EN-1 is applicable to this development.

Paragraph 3.3.11 of EN-1 states that "...the more renewable energy generating capacity we have the more generation capacity we will require overall, to provide back up at times when the availability of intermittent renewable sources is low. If fossil fuel plant remains the most cost effective means of providing such back up, particularly at short notice, it is possible that even when the UK's electricity supply is almost entirely decarbonised we may still need fossil fuel power stations for short periods when renewable output is too low to meet demand.." Paragraph 3.3.12 states that... "it is therefore likely that increasing reliance on renewables will mean that we need more total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions." Paragraph 3.3.31 states that: "The government still envisages back up capacity being necessary to ensure security of supply until other storage technologies reach maturity"

Upgrading Our Energy System: Smart System and Flexibility Plan (2017) (published on 25 July 2017 by BEIS and Ofgem) forms an important part of the Government's Industrial Strategy, the Clean Growth Plan, and a core component of Ofgem's future-facing work to enable the energy system transition. The Plan highlights that there is an increasing need for greater flexibility across the power system as more low carbon generation is deployed. With specific reference to energy storage the Plan highlights that "By harnessing the potential of energy storage, demand-side response and smarter business models, we have an opportunity to upgrade to one of the most efficient, productive energy systems in the world. This is central to how we deliver secure, affordable and clean energy now and in the future."

Finally, on 18 November 2015 The Secretary of State for Energy and Climate set out a new direction for UK energy policy. Within this the need for energy security was emphasised and in particular relation to these proposals the Government's approach to innovation was set out; "Government's first job is to create the environment for new ideas to flourish by getting rid of the barriers that are in the way. Some argue we should adapt our traditional model dominated by large power stations and go for a new, decentralised, flexible approach. Locally-generated energy supported by storage, interconnection and demand response, offers the possibility of a radically different model."

The development would include 25 battery energy units which would be charged by renewable sources, such as wind or solar, at times of low network demand, store the electricity generated and then supply it to the National Grid to help balance the supply of electricity and ensure a constant power supply. This would ensure that power generated by these intermittent power sources is not wasted. Accordingly, the technology would support the more efficient use of renewable energy sources and this reduces the reliance on electricity from non-renewable sources, which assists in reducing CO2 emissions. Also the development itself would not generate any CO2 emissions. This aligns with the support in the NPPF, adopted Rotherham Core Strategy Policy CS30 and saved UDP policy UTL3.4.

It is noted that the existing infrastructure is already in place in the form of the existing Thurcroft Substation and that the current proposed location, whilst in the Green Belt, is

the most logical location to complement the existing infrastructure. In addition, by being located in close proximity to a substation the proposed development will be able to work at optimum performance. The applicant states that the cost of laying cable across and along highways increases the cost by approximately £2,500 per metre, and this additional length also increases the thermal fault level and can increase the connection cost to the sub-station by £100,000s, making the project financially unviable

Finally, it is noted that the proposed development is required for a temporary period, albeit a lengthy one at 20 - 30 years, and at the end of that period the development, including buildings, would be removed and the site restored to its former condition. It is anticipated that technologies will have advanced by then such that smaller scale facilities may be available to replace that currently proposed.

It is concluded that whilst the proposed development is inappropriate by definition and has an impact on the openness of the Green Belt, very special circumstances have been demonstrated that overcome its inappropriateness and its impact on the openness of the Green Belt in this locality. It is therefore considered that the proposed development is acceptable in principle and will comply with the relevant paragraphs of the NPPF; Core Strategy Policies CS4 and CS30 and saved UDP Policy UTL3.3.

Other matters raised

As overhead powerlines cross the site have appropriate easements been considered in accordance with National Grid guidance? The applicant states that there is no issue regarding the construction of their site in this respect and ultimately this would be a matter for National Grid to enforce, who have raised no objections to the proposals.

It is noted that the red edge plan does not include the proposed access to the site, though the blue edge plan (which identifies land within the control of the applicant) does, and as such a condition can be included that requires works to be carried out within the blue edge.

Whilst a departure from the Development Plan, the proposal would not need to be referred to the Government Office as it is not considered that the development would have a 'significant' impact on the openness of the Green Belt, as set out in the Town and Country Planning (Consultation) (England) Direction 2009, particularly bearing in mind its temporary nature.

Objectors note that the development should be accommodated on a brownfield site, not on open land within the Green Belt, and the applicant has stated that it is planning to develop 12 battery storage sites across the UK and that although it has striven to build on brown field sites this has not always been possible. The applicant adds that the primary requirement when identifying a site is proximity to a sub station with sufficient capacity to cope with the requirements of the batteries and the Green Lane site is an ideal location.

Conclusion

It is considered that the proposals represent inappropriate development in the Green Belt and will have an impact on the openness of the Green Belt in this location. However, it is further considered that very special circumstances have been

demonstrated that overcome its inappropriateness and its impact on the openness of the Green Belt in this locality.

It is considered that the development would not significantly harm the character and appearance of the area given the size and scale of the proposal. Furthermore, the proposal will not result in a significant visual impact or give rise to any highway, drainage and ecological issues, or impact on local residents.

It is therefore considered that the proposed development is acceptable and will comply with the relevant paragraphs of the NPPF; Core Strategy Policies CS4 and CS30 and saved UDP Policy UTL3.3. The proposal is accordingly 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 shall be valid for 25 years and at the end of that period all structures hereby approved shall be wholly removed and the site restored in a manner to be agreed with the Local Planning Authority.

Reason

Due to the inappropriate nature of the development and its impact on the openness of the Green Belt in this location, in accordance with Core Strategy Policies CS4 Green Belt and CS28 Sustainable Design.

03

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

Site Layout with Temporary Access – dated Nov 2017 17111 – 006 Rev A

Container details – 17111 – 002 Rev A

Switch Room Proposed Layout & Elevations – 17111 - 004

Substation Proposed Layout & Elevations – 17111 – 005

Reason

To define the permission and for the avoidance of doubt.

04

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

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

05

Prior to the development being commenced, the existing vehicular access to Green Lane shall be increased in width as indicated on the submitted plan. Once the site has been developed out, the access shall be reduced back in width, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

06

Prior to the development being commenced, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented throughout the duration of the construction works. The plan shall require all construction traffic to approach and leave the site from/to the south, a banksman to control all traffic leaving the site and measures to deal with any mud etc. deposited in the highway by construction traffic.

Reason

In the interests of highway safety.

07

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.

08

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

Reason

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

09

Before the development is brought into use, a Landscape scheme (including planting on the boundary of the site), showing location and types of landscape treatment shall be submitted for approval by the Local Planning Authority. The Landscape scheme should

be prepared in accordance with RMBC landscape guidance document and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

10

No above ground development of the switch room and substation buildings shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Development.

11

Prior to its erection, detail of the type and colour of the 2.1m high security fencing to be erected around the site shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented.

Reason

In the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Development.

12

Prior to the commencement of development a Phase 1 Habitat survey of the site, to include hedging at the access to the site, shall be undertaken and details of any recommendations and mitigation measures shall be submitted to and approved by the Local Planning Authority and thereafter implemented.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981 and in accordance with UDP Policy ENV2 'Conserving the Environment'.

13

No development shall take place on site until a Noise Assessment has been submitted to and approved by the Local Planning Authority. The Assessment shall be carried out by a specialist noise consultant or suitably qualified person and shall assess the impact of the proposed development on nearby residential properties and shall be conducted in accordance with BS4142:1997. It shall include acoustic features and detail any necessary mitigation measures, physical or operational to achieve the following maximum noise levels:

During the hours of 0700 to 2300 hours, the BS BS4142 rating level, measured over 1 hour, should be 0 dB above the background (LA90) at the nearest noise sensitive properties.

During the hours of 2300 to 0700 hours the BS BS4142 rating level, measured over 5 minutes should be 0 dB above the background (LA90) at the nearest noise sensitive properties.

Any approved mitigation measures identified in the report shall thereafter be implemented in their entirety before the development is brought into use and retained for the life time of the development.

Reason

In the interests of the amenities of nearby residents.

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. Condition numbers 12 and 13 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 12 and 13 are fundamental to the acceptability of the development and the nature of the further information required to satisfy this condition is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

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 Rotherham 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

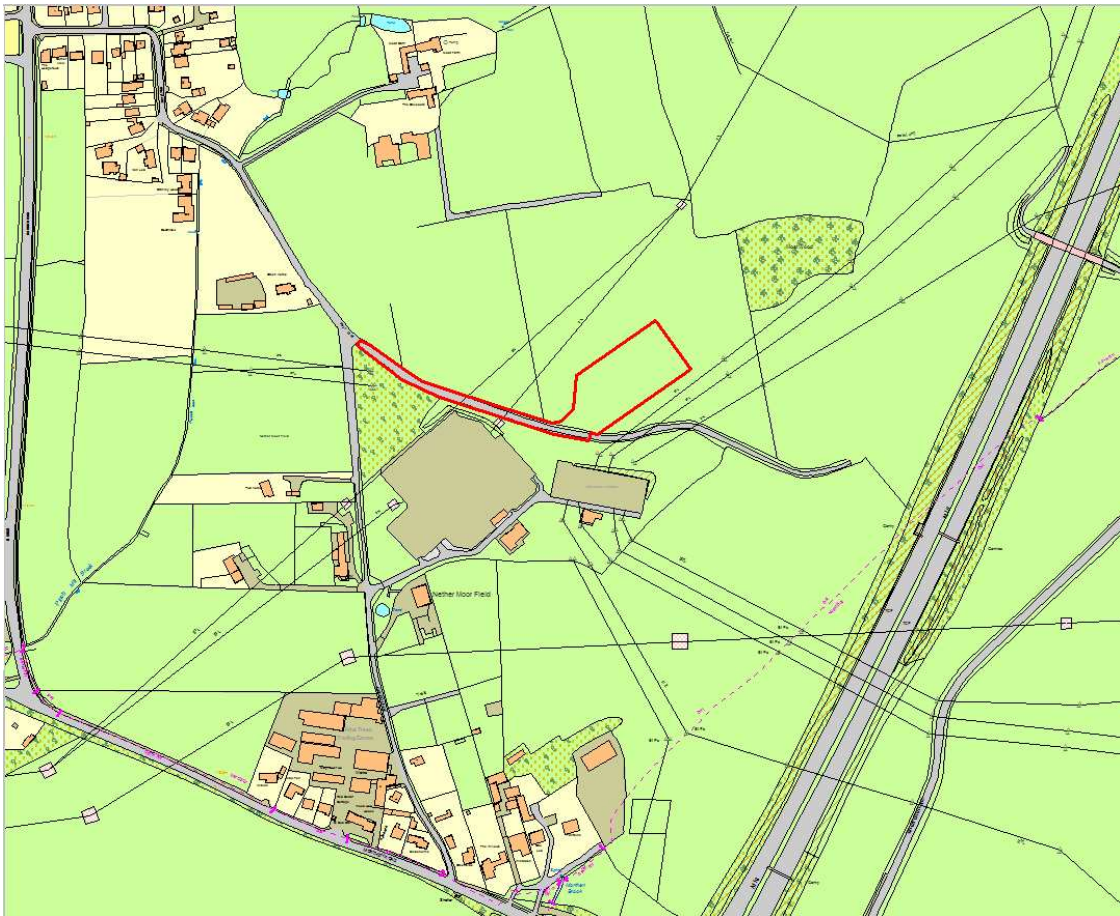
Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found 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.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not engage in pre application discussions with the Local Planning Authority, the proposals were amended during the course of the determination of the application and the application is considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2017/1717
Proposal and Location	Erection of an energy storage facility, and associated ancillary equipment & components, adjacent to Thurcroft substation off, Moat Lane, Wickersley
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site is an open field located to the north of the existing Thurcroft electricity sub-station site, within an existing agricultural field. The site falls within an area of Green Belt set between Morthen Road and the M18 motorway.

Background

There have been no relevant previous planning applications relating to this site.

A planning application for a similar battery storage facility (50MW capacity) has also been submitted on land off Green Lane, just to the south of the Thurcroft substation site, reference RB2017/1426.

Screening opinion – The site area does not exceed 5 hectares and as such no screening opinion is required.

Proposal

The application seeks full planning permission for the construction of an Energy Storage System and associated infrastructure, to provide 50MW of battery storage on a 0.9Ha site off Moat Lane. The proposed development will be predominantly housed within twenty containerised battery units (2 containers in each facility) with ancillary components including cooling fans, switchgear and control building. Each double containerised facility will measure 17m long by 7.7m wide and 3.7m high.

A fire-proof wall, with a maximum height of 3.8m, would sit between each container. A small control building is proposed which has a pitched roof height of 5.2m. The electrical switchgear would form the highest element at 5.9m.

Access to the site would be via the existing unmade Moat Lane. No details of fencing surrounding the site has been submitted although additional landscaping has been indicatively shown on the submitted site plan.

The development is proposed to be temporary for 25 years after which the site will be returned to its current position. No physical changes are proposed to the land in terms of earth removal or levelling.

The Applicant Planning Statement states that:

- In order to meet the government's targets under the Climate Change Act 2008 of reducing carbon emissions by 80% below 1990 levels by 2050 the energy balance is becoming increasingly reliant on renewable energy sources (such as wind and solar). By their nature these sources of energy are intermittent and can contribute to fluctuations in grid load and frequency.
- Coupled with the phasing-out of coal power stations, there is a growing need for new technology and facilities that can respond quickly to balance generation and load in the system. This is to ensure grid stability and security of supply, ultimately avoiding the need for extreme demand measures, which can include blackouts. Battery storage offers a clean, efficient and responsive solution to this need, through charging and discharging to actively manage the grid load and frequency. The essential role of storage has been stressed within the recent Smart System and Flexibility Plan, published by the Government and Ofgem stating: "By harnessing the potential of energy storage, demand-side response and smarter business models, we have an opportunity to upgrade to one of the most efficient, productive energy systems in the world. This is central to how we deliver secure, affordable and clean energy now and in the future."
- The facility offers a highly flexible service able to respond to changes in system frequency and release or store energy accordingly in less than 1 second. These operations will be fully automated and operated remotely.
- The Planning Statement demonstrates that the Proposed Development is in accordance with the Statutory Development Plan. The Proposed Development

accords with the Government's national planning policy, including the NPPF and EN-1, and the policies of the Rotherham Borough Council Development Plan. In the balance of considerations, therefore, the presumption in favour of sustainable development is confirmed, as the benefits of the Proposed Development significantly and demonstrably outweigh any potential adverse impact, and the case in favour of the Proposed Development is compelling.

The Applicant's Biodiversity Survey States:

The Extended Phase 1 Habitat survey confirmed the desk study findings, which indicated the habitats present on site were predominantly improved grassland/arable fields bordered by hedgerows. Improved grasslands/arable fields are considered to be of low overall ecological value and are widespread and common in the local area. Although approximately 0.9ha will be lost to facilitate the construction of the battery storage site, it is considered that the loss is of a small scale such that the impact would be minimal. However, if hedgerows are to be lost it is recommended that compensatory planting is incorporated into the development proposals for the site. Species should be native and provide a resource for wildlife. Searches of local records from the last 15 years provided no records of rare or protected species within the vicinity of the site which might be affected by the development.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

Core Strategy policy(s):

CS4 'Green Belt'

CS28 'Sustainable Design'

CS30 'Low Carbon and Renewable Energy Generation'

Unitary Development Plan 'saved' policy(s):

ENV3.7 'Control of Pollution'

UTL3.3 'Energy Conservation'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

No relevant Policies.

Other Material Considerations

National Policy Statement for Energy (EN-1).

Upgrading Our Energy System: Smart System and Flexibility Plan 2017 (BEIS and Ofgem).

The Secretary of State for Energy and Climate direction for UK energy policy – November 2015.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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

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

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

Publicity

The application has been advertised by way of a press and site notice as the application represents a departure from the Development Plan, A total of 9 objections have been received as well as a letter of objection from Wickersley Parish Council, which is signed by 7 individual objectors. The objections from the general public are that:

- The site currently comprises open land within the Green Belt and the applicant has not, to date, demonstrated very special circumstances to justify the normal presumption against development such as this.
- The proposed development will have an adverse visual impact.
- The development should be accommodated on a brownfield site, not on open land within the Green Belt.
- Proposed development would cause difficulties with access off Moat Lane, a single track, and with bends in local highways. The access is used by general public for walking/dog walking/horseriders.
- Nowhere for large HGVs to turn.
- Building here will cause disruption.
- Alternative site off Green Lane would be preferable as it is closer to main substation and have less impact on environment.
- Development will be clearly visible from Moat Lane.

Wickersley Parish Council state:

- No very special circumstances have been put forward to outweigh the harm of such a scale of development on the openness and visual impact to the Green Belt in this location.
- There is particular concern about the cumulative impact of two, and potentially more, such proposals given the other application for a similar development at Green Lane (RB2917/1426).
- If it can be convincingly demonstrated that there is only capacity for one such battery storage facility connecting to Thurcroft transformer station, then subject to

demonstration of very special circumstances, only that scheme with the least environmental impact should be approved.

2 Right to Speak requests have been received, one from the applicant and one from Wickersley Parish Council.

Consultations

RMBC - Transportation and Highways Design: Construction traffic will approach and leave the site via Green Lane to the south. Large HGV's will reverse along the unadopted part of Moat Lane, the surface of which is to be improved. The submitted tracking exercise has demonstrated that such vehicles can negotiate this route. As such no objections subject to appropriate conditions.

RMBC – Environmental Health – Have raised no objections from the submitted noise report contained within the Design and Access Statement.

RMBC – Ecologist: Satisfied that the ecological survey was competently executed and assessed. Still has slight concerns that that the development would encroach in the direction of Moat Wood and could result in increased disturbance on protected and other species there. It may also lead to development of the rest of the field, further encroaching on Moat Wood. Recommends a number of conditions to mitigate any harm. National Grid - Has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

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

The main considerations in the determination of this application are:

- The principle of the development, including impact on openness.
- Impact on character and appearance of the area, and impact on local landscape.
- General amenity
- Highways
- Ecology
- Cumulative impact
- Very special circumstances

Principle

The application site is located within the Green Belt and represents a departure from the Development Plan and the proposed development does not constitute one of the exemptions outlined within paragraph 89 of the NPPF for new buildings in the Green

Belt. In addition, the use of the site for the siting of the containers is also considered to represent inappropriate development in the Green Belt.

Therefore the proposed development would be inappropriate development in the Green Belt as defined by the NPPF. As such in light of the above the main considerations in respect of whether the principle of development is acceptable are:

- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area;
- whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Openness:

The site is currently open and level and consists of grazing land and the proposed development will undoubtedly have an impact on the openness of the Green Belt. This impact will take place during the lifetime of the development, which is estimated to be 25 years. As the site is currently devoid of any buildings and the current proposal would by definition be inappropriate development it would have an impact on openness. The NPPF states: "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."

Therefore, the proposal represents inappropriate development and has an impact on the openness of the Green Belt. Permission should not be approved except in very special circumstances. These are discussed in more detail below.

Impact on character and appearance of the area, and impact on local landscape.

The site is partially visible from Moat Lane which is an unadopted road and not identified as a Public Right of Way, or connecting to any Public Rights of Way, but can be used by members of the public. The field is used for agricultural purposes and the red edge boundary follows no existing boundary on the ground, so would appear intrusive in the field.

The existing Thurcroft substation site is located across Moat Lane to the south and the local landscape contains a number of large electricity pylons that cross the land. When viewed from longer distance from Kingsforth Lane across the M1 to the east (which is in a cutting), the proposed structures would appear relatively small scale and it is not considered that they would have a significant impact on the character or appearance of the area in general. In any event, it is proposed that the permission would be granted for a temporary period only, at the end of which the buildings and structures would be removed from the site.

General amenity

Paragraph 17 of the NPPF states development should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Core Strategy Policy CS27 states that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..." 'Saved' UDP policy ENV3.7 further states: "The Council will seek to minimise the adverse effects of

nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which: (i) is likely to give rise...to noise, light pollution, pollution of the atmosphere...or to other nuisances where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporation of preventative or mitigating measures at the time the development takes place...”

The applicant states in the submitted Design and Access Statement that “The noise levels associated within the proposed facility are considered to be negligible and given the distance of over 250m to the closest sensitive receptors beyond the established substation, it is not considered that any adverse noise impacts would occur as a result of the proposed development.”

The proposed development would be sited approximately 250m from the nearest residential neighbours and the applicant states that the impact on nearby residents would be minimal as the facility does not generate significant noise. It is noted that the site is located adjacent to the existing larger electricity substation site, and to the east is the busy M1 motorway. In addition, across Green Lane to the west is a dog kennels. It is not considered that the additional noise generated by the proposed facility would significantly adversely affect the amenities of nearby residents. Environmental Health Officers have raised no objections from the applicant’s submission.

Highways

It is noted that the construction traffic will approach and leave the site via Green Lane to the south. Large HGV’s will reverse along the unadopted part of Moat Lane, the surface of which is to be improved. The submitted tracking exercise has demonstrated that such vehicles can negotiate this route.

Furthermore day to day traffic to and from the site when operational will be very limited with no regular deliveries or the need for large vehicles.

In these circumstances, the proposal is acceptable in highway terms subject to recommended conditions.

Ecology

The site is set some 460m from the nearest ancient woodland and is not structurally connected to it. Consequently no ancient woodland will be affected by the proposed development.

There are further Local Wildlife Sites greater than 500m distance from the site but less than 1km. Again, these will not be affected.

The site falls within the Impact Risk Zones of at least two SSSIs. One of these is Roche Abbey Woodlands to the east. The second appears to be either Ashfield Brick Pits/New Edlington Brickpit both located in Conisbrough. None of these SSSIs will be affected by the proposal.

The Council is therefore satisfied that the ecological survey was competently executed and assessed. There are however slight concerns that the development would encroach in the direction of Moat Wood and could result in increased disturbance on protected and other species there. As such a number of conditions relating to lighting, additional hedgerow planting and the protection of animals during construction have been attached.

In view of the above no objections are raised subject to recommended conditions.

Cumulative impact

As the connection is below 150MW the Distribution Network Operator (in this instance, Northern Power Grid) is the point of contact for the connection. They in turn have stated:

"The current connection point in this area is our Thurcroft Supply Point. I can confirm that currently the Green Lane site is the only currently accepted battery Storage facility who has accepted a connection on to our network. We have had several other enquiries in this area but due to the acceptance of several connection offers onto Thurcroft we have very limited capacity left and in order to allow the connection of any other large generation projects we will be required to talk to National Grid for reinforcement works. The last estimate was around £16m plus connection costs which would not be financially viable for any current project in our experience."

This indicates that the alternative scheme off Green Lane is the preferred site for the District Network Operator and that the potential for both being developed is minimal. Notwithstanding that, it is considered that if both schemes were developed out the cumulative impact would be acceptable, bearing in mind the existing infrastructure in the area in the form of the substation and overhead powerlines, and the relatively low scale and temporary nature of the development.

Very special circumstances

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

The proposal is directly related to renewable energy, the system will store electricity produced from renewable sources during periods in low demand and release electricity to the grid when demand is high, thereby maximising the benefits of renewable energy that has been produced and minimising its wastage.

The overarching National Policy Statement for Energy (EN-1) is part of a suite of NPSs issued by the Secretary of State for Energy and Climate Change. It sets out the Government's Policy for delivery of major energy infrastructure. EN-1 was written prior to any viable method of storing electricity was developed, and therefore energy storage is not considered directly in the statement. However, the principals which support energy storage are considered, and therefore EN-1 is applicable to this development.

Paragraph 3.3.11 of EN-1 states that “...the more renewable energy generating capacity we have the more generation capacity we will require overall, to provide back up at times when the availability of intermittent renewable sources is low. If fossil fuel plant remains the most cost effective means of providing such back up, particularly at short notice, it is possible that even when the UK’s electricity supply is almost entirely decarbonised we may still need fossil fuel power stations for short periods when renewable output is too low to meet demand..” Paragraph 3.3.12 states that... “it is therefore likely that increasing reliance on renewables will mean that we need more total electricity capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.” Paragraph 3.3.31 states that: “The government still envisages back up capacity being necessary to ensure security of supply until other storage technologies reach maturity”

Upgrading Our Energy System: Smart System and Flexibility Plan (2017) (published on 25 July 2017 by BEIS and Ofgem) forms an important part of the Government’s Industrial Strategy, the Clean Growth Plan, and a core component of Ofgem’s future-facing work to enable the energy system transition. The Plan highlights that there is an increasing need for greater flexibility across the power system as more low carbon generation is deployed. With specific reference to energy storage the Plan highlights that “By harnessing the potential of energy storage, demand-side response and smarter business models, we have an opportunity to upgrade to one of the most efficient, productive energy systems in the world. This is central to how we deliver secure, affordable and clean energy now and in the future.”

Finally, on 18 November 2015 The Secretary of State for Energy and Climate set out a new direction for UK energy policy. Within this the need for energy security was emphasised and in particular relation to these proposals the Government’s approach to innovation was set out; “Government’s first job is to create the environment for new ideas to flourish by getting rid of the barriers that are in the way. Some argue we should adapt our traditional model dominated by large power stations and go for a new, decentralised, flexible approach. Locally-generated energy supported by storage, interconnection and demand response, offers the possibility of a radically different model.”

The development would include 20 battery energy units which would be charged by renewable sources, such as wind or solar, at times of low network demand, store the electricity generated and then supply it to the National Grid to help balance the supply of electricity and ensure a constant power supply. This would ensure that power generated by these intermittent power sources is not wasted. Accordingly, the technology would support the more efficient use of renewable energy sources and this reduces the reliance on electricity from non-renewable sources, which assists in reducing CO2 emissions. Also the development itself would not generate any CO2 emissions. This aligns with the support in the NPPF, adopted Rotherham Core Strategy Policy CS30 and saved UDP policy UTL3.4.

It is noted that the existing infrastructure is already in place in the form of the existing Thurcroft Substation and that the current proposed location, whilst in the Green Belt, is the most logical location to complement the existing infrastructure. In addition, by being located in close proximity to a substation the proposed development will be able to work at optimum performance. The applicant states that battery storage facilities are most efficient when they are positioned in close proximity to a point of connection, such as the adjacent substation with available capacity, and that siting the facility further from

the substation would ultimately make the proposal unviable due to the cost of connection, and would also reduce the efficiency due to transmission losses.

Finally, it is noted that the proposed development is required for a temporary period, albeit a lengthy one at 25 years, and at the end of that period the development, including buildings, would be removed and the site restored to its former condition. It is anticipated that technologies will have advanced by then such that smaller scale facilities may be available to replace that currently proposed.

It is concluded that whilst the proposed development is inappropriate by definition and has an impact on the openness of the Green Belt, very special circumstances have been demonstrated that overcome its inappropriateness and its impact on the openness of the Green Belt in this locality. It is therefore considered that the proposed development is acceptable in principle and will comply with the relevant paragraphs of the NPPF; Core Strategy Policies CS4 and CS30 and saved UDP Policy UTL3.3.

Whilst a departure from the Development Plan, the proposal would not need to be referred to the Government Office as it is not considered that the development would have a 'significant' impact on the openness of the Green Belt, as set out in the Town and Country Planning (Consultation) (England) Direction 2009, bearing in mind its temporary nature.

Conclusion

It is considered that the proposals represent inappropriate development in the Green belt and will have an impact, albeit not significant, on the openness of the Green Belt in this location. However, it is further considered that very special circumstances have been demonstrated that overcome its inappropriateness and its impact on the openness of the Green Belt in this locality.

It is not considered that the development would harm the character and appearance of the area given the size and scale of the proposal. Furthermore, the proposal will not result in a significant visual impact or give rise to any highway, drainage and ecological issues, or impact on local residents.

It is therefore considered that the proposed development is acceptable and will comply with the relevant paragraphs of the NPPF; Core Strategy Policies CS4 and CS30 and saved UDP Policy UTL3.3. The proposal is accordingly 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 shall be valid for 25 years and at the end of that period all structures hereby approved shall be wholly removed and the site restored in a manner to be agreed with the Local Planning Authority.

Reason

Due to the inappropriate nature of the development and its impact on the openness of the Green Belt in this location, in accordance with Core Strategy Policies CS4 Green Belt and CS28 Sustainable Design.

03

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)

(Block Plan 10480-0006-08) (Received 16/11/2017)

(Layout Plan 10480-0010-05) (Received 16/11/2017)

(50MW Standard Site Elevations EDFER/Standard/0003b) (Received 16/11/2017)

(Standard Switchroom Layout EDFER/Standard/0002a) (Received 16/11/2017)

Reason

To define the permission and for the avoidance of doubt.

04

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

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

05

Details of the proposed resurfacing of the unadopted part of Moat Lane shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is commenced.

Reason

In the interests of highway safety.

06

Prior to the development being commenced, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented throughout the period of construction.

Reason

In the interests of highway safety.

07

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.

08

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

Reason

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

09

Before the development is brought into use, a Landscape scheme relating to planting on the boundary of the site, showing location and types of landscape treatment shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC landscape guidance document and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

10

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details shown on the approved drawing. The development shall thereafter be carried out in accordance with these details.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Development.

11

Prior to its erection, detail of the height, type and colour of security fencing to be erected around the site shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented.

Reason

In the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Development.

12

No hedgerow shall be cut down, uprooted, destroyed or hedgerow other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any hedgerow is removed, uprooted or destroyed or dies, another hedgerow shall be planted in the immediate area and that hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

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

13

Development shall be carried out in accordance with the recommendations set put in the applicant's Extended Phase 1 Habitats Survey (Nov. 2017)

Reason

In the interest of ecology.

14

Prior to the commencement of electrify storage details on the on site security lighting should be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of ecology.

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 Rotherham 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.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.