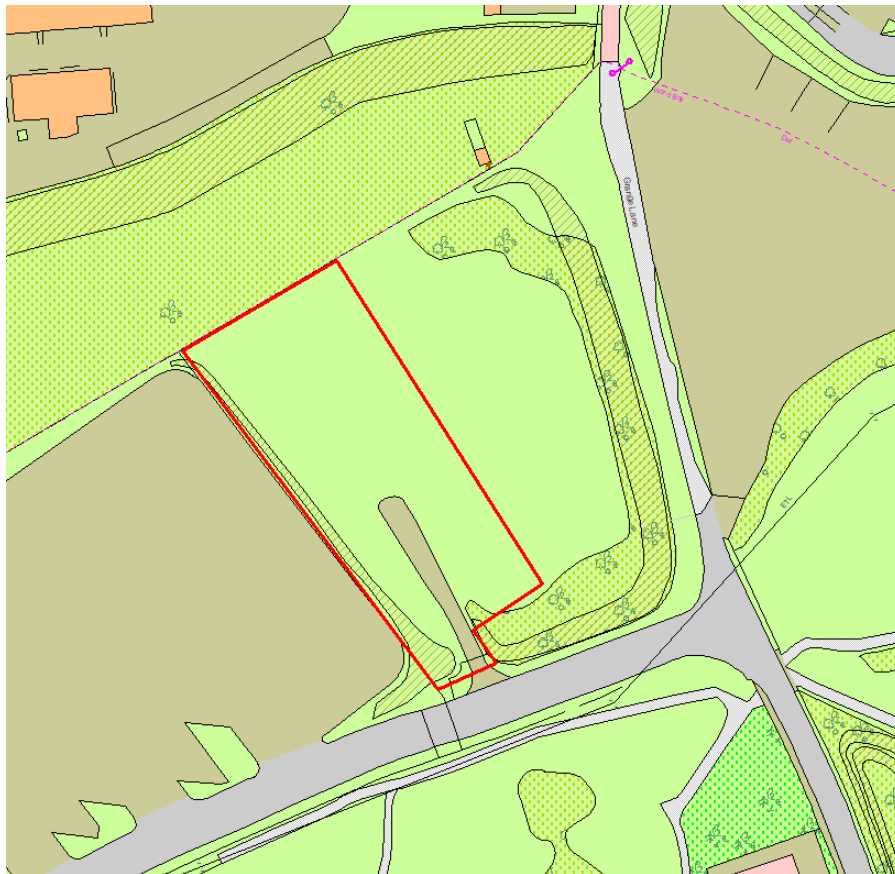


**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 27<sup>TH</sup> JUNE 2024**

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

<b>Application Number</b>	RB2024/0248- <a href="https://rotherham.planportal.co.uk/?id=RB2024/0248">https://rotherham.planportal.co.uk/?id=RB2024/0248</a>
<b>Proposal and Location</b>	Retrospective change of use to Haulage Yard (Use Class B8) including siting of storage containers, perimeter fencing and CCTV at land at Grange Lane, Brinsworth
<b>Recommendation</b>	Granted Conditionally

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



**Site Description & Location**

The application site lies to the south of Templeborough, approximately 4km south-west of Rotherham town centre.

The site measures 0.48 hectares and comprises of intermittent vegetation, hardstanding and has previously been used for storage of commercial / industrial materials including rubble and wooden pallets. The land is relatively flat, but the site is situated on a slightly raised position from the adjacent

industrial works. The site perimeter is screened with vegetation, particularly along the southern and eastern boundaries.

To the north of the site, there is an area of woodland, beyond which there is Genesis Business Park off Sheffield Road which includes units associated with Tata Steel.

To the south of the site there is metal palisade fencing and an access point off Grange Lane towards MTL Group. Beyond this boundary is Phoenix Golf Course which stretches between Baulk Lane, Grange Lane and Pavilion Lane. To the east of the site, there is a quarry operated by asphalt contractor's Steelphalt and the adjacent golf course. Beyond this eastern boundary there are further industrial units and businesses.

To the west of the site is the industrial works associated with MTL.

## **Background**

There have been a number of applications relating to this site previously, those prior to 2010 were in relation to the wider Excel Logistics, later MTL site. Since the mid-2010s the site, in relation to this application, has fallen outside of the MTL site and is a separate planning unit.

RB1993/1198 – Use of land for vehicle parking and manoeuvring area for Excel Logistics – Granted Conditionally – 18/11/1993

RB1997/0841 – Erection of single storey building to form workshop for Excel Logistics – Granted Conditionally – 27/08/1997

RB2010/0909 – Alterations to external appearance and installation of flues and siting of tanks and compressor house for MTL – Granted Conditionally – 08/09/2010

RB2010/1299 – External alterations to warehouse comprising erection of new bridge link to front elevation, new external staircase to rear and installation of windows and doors to front and rear elevations for MTL – Granted Conditionally – 29/11/2010

RB2017/0741 – Use of land for installation of electricity generation facility and associated works (use class Sui Generis) for Clearstone Energy – Granted Conditionally – 14/07/2017

RB2018/0991 – Use of land for installation of electricity generation facility and associated works (use class Sui Generis) for Clearstone Energy – Granted Conditionally – 09/08/2018

Neither of the two applications for Clearstone Energy were implemented at the site and have now both lapsed.

## **Proposal**

The application is retrospective and is to use the land as a haulage yard, along with the siting of storage containers, perimeter fencing and CCTV.

There are 5 single storage containers on site all at ground level and located in the northwest corner of the site.

The perimeter fence consists of 2.4m high palisade fencing with a gate set back from the road.

4 CCTV cameras are on site which are sited along the party boundary with MTL and are fixed to the fence approx. 1.5 meters high.

The applicant originally requested working hours of 5am until 10pm Monday to Saturday. The applicant has agreed to amend these to 6am to 10pm in the week and 8am to 2pm on Saturdays and deliveries will be limited to 6am to 10pm Monday to Friday.

The applicant has confirmed that there will no more than 16 two-way vehicle movements per day to the site although this will vary.

The original description indicated that the land had been levelled, however on further investigation this is not the case and that element has been removed from the description.

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

### Noise Impact Assessment

The report will use noise levels tested from "2324- 220 MTL Rotherham Baseline and Impact Assessment v2" which includes surveys at the nearest noise sensitive receptors.

The report is designed to be used to assess the impact of just the storage of HGV's and the noise associated with it.

The measuring positions were:

- Meadowsweet Close
- 245-247 Ferrars Road
- Corner of Balk Lane and Bawtry Lane (Fairways PH)
- Golf Course close to main entrance
- Golf Course close to western site of proposed site

The report concludes:

- Existing noise climate: The existing noise climate across the site and at the nearest existing dwellings is primarily determined by flows of local traffic as well as the hum from the M1 to the west. There is additional

- noise on a 24hr basis at times from existing industrial and commercial facilities adjacent to areas tested.
- BS4142 Assessment section 7.12 – 7.15 derives vehicle movement sound levels calculated from the site during normal operations indicate that a condition of 'low impact' to be achieved at the nearest residential properties for both daytime and nighttime.
  - This assessment shows that there is no indication of an adverse effect to the people playing on the golf course from vehicle movements.

### Preliminary Ecological Appraisal Report

A desk study and field survey were undertaken in order to assess the potential of the site to support protected habitats and species and species of conservation concern. Recommendations for further survey, avoidance, mitigation and enhancement – where appropriate.

The most valuable habitats for biodiversity within the development site boundary is the sparsely vegetated urban land. The proposed works will not impact the sparsely vegetated urban land.

The other habitats described in the report have lower biodiversity and provide less opportunity to support protected or notable species. The flora recorded in these habitats is considered to be locally common and widespread and they do not fall into any of the NERC S41 or Local BAP Priority Habitat descriptions.

There were no records of invertebrates, bat or bat roosts. There was seven records of amphibians, one record of a grass snake, records of badgers and one record of hedgehog.

The proposed works provide an opportunity to institute enhancement for biodiversity. Through native species planting and the addition of faunal boxes.

### Transport Statement

The Transport Statement submitted with the application offers the following key findings:

- The proposals are in keeping with both local and national policy.
- The site benefits from good connectivity with the facilities and amenities in the surrounding area, with numerous opportunities for employees to travel by non-car modes.
- An analysis of historic accident data suggests that there are no accident trends that might be exacerbated by the addition of development-related traffic.
- An assessment of the likely vehicle trip generation indicates that the peak trip generating hours of the proposed development would fall

outside an assessment of likely vehicle trip generation indicates that the proposals are anticipated to generate an average of around 16 two-way HGVs per day.

- There are no existing road safety issues that could be exacerbated by the proposals.

The proposals will not result in a 'severe residual cumulative impact' (the test set out in NPPF). As such, there are no substantive highway grounds as to why the proposed development should not be granted planning consent.

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

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

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

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'  
CS3 'Location of New Development'  
CS9 'Transforming Rotherham's Economy'  
CS10 'Improving Skills and Employment Opportunities'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS19 'Green Infrastructure'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscapes'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS30 'Low Carbon & Renewable Energy Generation'  
SP1 'Sites Allocated for Development'  
SP16 'Land Identified for Industrial and Business Uses'  
SP32 'Green Infrastructure and Landscape'  
SP33 'Conserving and Enhancing the Natural Environment'  
SP47 'Understanding and Managing Flood Risk and Drainage'  
SP52 'Pollution Control'  
SP54 'Contaminated and Unstable Land'  
SP55 'Design Principles'

### **Other Material Considerations**

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

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

#### Supplementary Planning Documents

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

#### Publicity

The application has been advertised by way of a site notice at the site entrance and at the junction of Grange Lane and Bawtry Road along with individual neighbour notification letters to adjacent properties. 33 letters of representation have been received from individual addresses and the Local Ward Member.

A petition containing 70 signatures from 44 individual addresses has been received objecting to the application.

The issues raised by residents are summarised below:

- The application relates to the same site on Grange Lane as application RB2023/1471.
- The application is retrospective.
- There have been previous issues with the use of sites on Grange Lane and the movement of HGV vehicles, for which conditions have been previously imposed in order to protect local residents and they have so far worked well for all concerned.
- The proposed operating hours are not acceptable and not in line with existing restrictions that are in place for other businesses on Grange Lane.
- There are concerns regarding increase in pollution and reduction in air quality.
- The development will increase traffic on Bawtry Road which will adversely impact the local area.
- Lorries find the entrance to Grange Lane hard to find so they brake late and bounce down the road shaking the nearby houses.
- The application has been manipulated to give the greatest opportunity of success to the applicant.
- Bawtry Road and Grange Lane are used as a racing track.
- There is daily congestion and high volumes of traffic in this area and the application will increase this.
- The junction of Grange Lane and Bawtry Road is poorly sighted and narrow.
- The Noise Impact Assessment doesn't take account of any traffic turning left and heading to the southbound junction of the M1.
- Grange Lane suffers from littering problems from drivers dumping fast food rubbish and worse.

- The proposal will increase noise.
- Grange Lane cannot cope with excessive haulage traffic.
- People use Grange Lane to access the bike lanes on the A1678 due to the dangerous section of road at Canklow Bridge. Children are included in this and an increase in haulage traffic will put their lives at risk.
- Rather than object completely to a business bringing more jobs to the area, would it not be feasible for Grange Lane to be upgraded to facilitate not just MTL but also the other businesses using Grange Lane.
- Could the access onto Sheffield Road not be reinstated?
- Bawtry Road has a 40 MPH speed limit which is quite fast and many people exceed this limit making it dangerous.
- Allowing these companies to access these roads with careless HGV drivers could end up killing someone on a road that has it's issues already.
- Accidents are already high off Bonet Lane onto Bawtry Road and more lorries and cars will increase this number.
- No new jobs will be created.
- MTL and Burnhart are one of the same.
- There are no trees on site as it was bulldozed in November.
- The Ecology report was carried out 3 months after they bulldozed the site.
- The HGV lorries leave at 6am everyday and return according to driver hours at peak rush hour traffic. This contradicts the applicant's transport report.

The comments raised by the Local Ward Member are:

- Restrictions on HGV traffic in the total numbers need to be put in place
- Time restrictions (in keeping with recent planning approvals) need to be put in place.
- Additionally, further consideration be given to putting place a condition that opens the bridge along Grange Lane so that traffic can access Sheffield Road in Templeborough.

1 letter of support has been received which stated this is a small business run by and employing local people, as a resident of Brinsworth, this local business has my support.

3 Right to Speak Requests have been received from local residents.

### **Consultations**

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

RMBC – Drainage: No objections.

RMBC – Environmental Health: No objections.

RMBC – Trees and Woodlands: No objections.

RMBC – Ecology: No objections subject to conditions.

South Yorkshire Archaeology: No objections.

## **Appraisal**

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

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

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

The application is retrospective and is to use the land as a haulage yard, along with the siting of storage containers, perimeter fencing and CCTV.

The CCTV element of the proposal does not require planning permission and is permitted development, as the cameras are mounted onto the boundary fence and not on poles.

It is of note that residents have indicated that they believe MTL and Burnhart are the same company (entity). Officers have received information from the applicant (Burnhart) refuting this. Notwithstanding, whether or not MTL and Burnhart are or are not one of the same, the matter of land ownership is not a material planning consideration. Therefore no weight can be given to this matter in the determination of a planning application.

The main considerations in the determination of the application are:

- Principle of development
- Design Considerations
- General Amenity and Impact on existing residents
- Highway matters
- Drainage and Flood Risk
- Landscape and Trees
- Ecology and Biodiversity Net Gain
- Other responses to objections.



## Principle

The application site is allocated for Industrial and Business Use in the adopted Rotherham Sites and Policies Document and forms part of a wider site that is an allocated development site (ref. E4 in the Sites and Policies Document).

The allocated site E4 also includes the whole of the MTL site to the west and the land outside of the application red-line boundary to the east.

In line with Policy CS9 'Transforming Rotherham's Economy', the site has been allocated to meet Rotherham's employment need and to meet modern economic requirements.

The development is seeking to regularise the use of the land as a haulage yard with some storage containers sited. The use of the site meets the requirements set out in paragraph 5.18 in the Sites and Policies Document and all other relevant policies as set out in adopted policy SP1 'Sites Allocated for Development'.

Further to the above the use of the site is in full compliance with adopted Policy SP16 'Land Identified for Industrial and Business Use', which sets out that within areas allocated for Industrial and Business uses falling within B2 (General Industry) and B8 (Storage and Distribution) and ancillary office space would be permitted.

The proposed use falls within the B8 use class as set out in the Town and Country Planning (Use Classes) Order.

Having regard to the above the principle of the development on this allocated employment site is acceptable.

## Design, layout, scale

The NPPG notes that: *"Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations."*

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

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

This approach is echoed in National Planning Policy in the NPPF.

Furthermore, CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

The only built form is the 2.4m high palisade fence around the site's perimeter and also the siting of the storage containers.

In respect of the perimeter fence it offers security and is in keeping with the industrial character of the this part of Grange Lane and mirrors that at the adjacent MTL site. Accordingly, the perimeter fence raises no design issues and is considered acceptable.

With regard to the storage containers the plan submitted indicates that there are 5 individual storage containers sited to the north-west corner of the site. It is considered that the siting of the containers is to the rear of the site away from public vantage points.

The development from a design perspective raises no issues and is in line with the policies and paragraphs referred to above.

#### General Amenity and Impact on existing residents

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

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

As part of the application submission a Noise Impact Assessment has been submitted by the applicant and this document has been assessed by the Council's Environmental Health Service.

The site is within an industrial area with the nearest residential being approximately 500m to the proposed structure.

The Noise Impact Assessment has been carried out in accordance with the methodology contained within BS4142:2014+A1:2019.

The originally proposed hours of operation were to be from 05:00hrs until 22:00hrs Mondays to Sundays. However, given the nature of the site, the conditions imposed recently on the adjacent site the applicant has agreed to amend the hours of deliveries and operations at the site to 0600 to 2200 Monday to Friday and 0800 to 1400 Saturdays, and these will be conditioned.

Background noise levels have been taken at nearest noise sensitive receptor positions including residential dwellings and the golf course, and resultant noise rating levels have been calculated. The noise rating level at all receptors is predicted to be significantly below background noise levels. The proposed use is therefore likely to result in low impact to those receptors.

In light of the above, Environmental Health have indicated that they would envisage no significant loss of amenity by virtue of noise or air quality impact.

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

A number of residents have raised the restrictive hours conditions placed on a previous application on this land and those placed on the adjacent development RB2023/1471.

These comments are noted and as previously mentioned the applicant have agreed to amend their originally requested operating hours to be in line with those on the previous permission on this site for a shipping container site and on the recent approval at MTL. Accordingly, conditions will be imposed which will restrict access to the site and working practices to between 06:00 and 22:00 Mondays to Fridays and 08:00 and 14:00 on Saturdays; as well as restricting deliveries to between the hours of 08:00 and 22:00 Mondays to Fridays.

The applicant has also indicated that they will accept a condition limiting HGV movements to no more than 16 two-way movements per day.

Accordingly, it is considered that the main concerns raised by local residents have been considered and addressed by the proposed conditions, which are the same as those imposed on other schemes on this and the neighbouring site.

It is therefore considered that notwithstanding the issues raised by local residents, the conditions set out in this report would ensure that any impact is mitigated and managed such that any impact would not significantly affect their amenity. Accordingly, subject to conditions the proposed development would be in compliance with the requirements set out in the aforementioned policies and would outweigh the objections received.

Further to the above, it is of note that the planning system cannot restrict vehicles using and / or parking on a public highway, in this instance Grange Lane, which has no waiting / parking restrictions. It is noted that Grange Lane is used by various HGV and taxi drivers to park up before continuing journeys out of the junction onto Bawtry Road.

#### Highway considerations

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

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

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

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

It is noted that whilst no full-time employees will be based at the site, drivers (employees) are required to ‘pick up’ and ‘drop off’ HGV’s from the site on an as and when required basis, and as a consequence, there is some parking provision, for drivers to leave their own vehicles within the site, though no specific area is marked out for that purpose. All vehicle access to the site, is taken from Bawtry Road and Grange Lane and is via an existing access, situated beyond the extent of the adopted highway.

A Transport Statement has been provided in support of the application, this has been assessed by the Council’s Transportation Infrastructure Service.

The TS notes that there is the potential for a maximum 16 additional HGV trips spread out across the working day. The impact of the above additional daily vehicle movements will be negligible and will not have a discernible effect on the operation of the local highway network. As the above vehicle movements are likely to be out of the peak hour, no modelling has been carried out on the Grange Lane / Bawtry Road junction. As there is no severe impact on the surrounding highway network, then no mitigation measures are required.

With regard to accessibility to the site, Bawtry Road is an A classified road capable of carrying the type and mix of traffic that it does currently. There is a formal right turn 'pocket' at the junction with Grange Lane, that permits vehicles to sit safely in the centre of Bawtry Road, until a gap in traffic permits the driver to complete the right turn. Grange Lane itself, is a no through road for motorised vehicles with at least one footway present from it's junction with Bawtry Road, until it's termination near to the applicants site entrance. These footways are approximately 1.7m wide with street lighting present along it's full length. There are bus stops located on Bawtry Road near to the junction with Grange Lane, with a pedestrian refuge (approximately 2.5m in width) near to Bonnet Lane to assist pedestrians crossing the road in this area. Visibility for drivers leaving Grange Lane is also to design standards in both directions.

Whilst the submitted Transport Statement does suggest pedestrian and cycle access to Sheffield Road is available via Grange Lane, it does not explore the nature or quality of the route. The route is privately owned and appears to be permitted by the owner with no signage to suggest otherwise, and whilst the Council does not 'recommend' the route (and has no means of restricting access), anyone using the route does so, at their own risk. This route does not form the only pedestrian / cycle access to the application site, and therefore the development is not dependant on it. Bus services operate on both Sheffield Road to the north of the site and Bawtry Road to the south, providing public transport connections to the application site.

In light of the above there are no highway reasons to refuse the application as the development would not result in an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would not be severe. Accordingly, the proposal subject to conditions would comply fully with the requirements set out in the NPPF and adopted Local Plan policies referred to above.

Separate to this application, the Transportation Unit note there is an allegation that HGV drivers are using Grange Lane for overnight parking or rest stops. It is unlikely that these vehicles are associated with the applicant's business, or that of the neighbouring premises MTL. Therefore, this matter is being investigated separate to this application by the Transportation Unit.

Additionally, residents have raised the prospect of bringing the bridge back into operation that runs from the end of Grange Lane through to Sheffield Road for traffic in order to alleviate the amount of traffic through the Grange Lane / Bawtry Road. The bridge does not form part of the adopted highway network and it is believed to be in private ownership. The route was closed some time ago (approx. 20 years) as a result of it not being to a suitable standard to cater for traffic given it is only 6m to 6.5m in width which would be incapable of accommodating a functioning highway which would be required either if it was to be considered for adoption or used as a private street.

Whilst there have been a number of objections raised in respect of highway safety and volume of traffic which are material considerations and have been considered, it is judged that for the reasons set out above the proposal would comply with relevant national and local planning policies and as such a refusal on highway grounds could not be justified in planning terms.

Furthermore, the other highway reasons raised by objectors such as the proposal to reinstate the bridge are noted but are not a material planning consideration and little weight is given to this matter.

### Drainage and Flood Risk

Policy CS24' Conserving and Enhancing the Water Environment' states: *"Proposals will be supported which: a. do not result in the deterioration of water courses and which conserve and enhance..."*

Policy CS25 "Dealing with Flood Risk" states, in part, that: *"Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall."*

Policy SP47" Understanding and Managing Flood Risk and Drainage" states, part, that: *"The Council will expect proposals to:*

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;*
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) inappropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and*
- c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties."*

Paragraph 173 of the NPPF notes in part that: *"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment."*

The Environment Agency's Risk of Flooding from Surface Water map indicates that there is no flood risk to the property and the site is classed as brownfield for runoff purposes.

The Council's Drainage Engineer have raised any issues with the site being developed from drainage or flood risk perspective.

## Landscapes and Trees

CS19 'Green Infrastructure' states that "Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas..."

Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- a. Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.
- b. Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.
- c. Investment in Green infrastructure will be prioritised to increase functionality of individual assets and safeguard existing functions, such as habitats for wildlife.
- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.
- e. Supporting ecosystem services, including the use and management of Green Infrastructure areas to reduce the impacts of climate change, using vegetation to cool the environment, provision of new open space to remedy the need for natural and semi natural flood storage and managing surface water to ensure landscape change impacted by climate change has long term benefits.
- f. Promoting design which replicates or incorporates natural processes for river morphology and water storage along the regionally important rivers Don, Rother and Dearne.
- g. Promoting innovative development which manages quantifiable risks such as flooding.
- h. Assisting with the integration of new development into the natural and historic environment."

Policy CS21 'Landscapes,' states, in part, that: "New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development."

Policy SP32 'Green Infrastructure and Landscape' goes on to state in part that: "The Council will require proposals for all new development to support the

*protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users.”*

The Site Development Guidelines in the Local Plan for the site indicate that *“Existing vegetation and mature trees should be retained and enhanced, unless agreed in writing with the Local Planning Authority.”*

The site is bordered to the north by young deciduous woodland, and southeast by a golf course, with scattered trees and ditches. These are very unlikely to be impacted by the proposals.

A strip of land on the east and north of the site, and a small area on the south of the site, contains scattered young trees which are self-set, but there are no trees within the central site.

Due to the negligible tree cover at the site there are no arboricultural objections to the proposals.

Objections have been received that the site was cleared of any vegetation prior to the use commencing. Aerial photos show that the site was covered in some vegetation across the site. However, as the site is not within a Conservation Area and none of the vegetation on site were or are covered by a Tree Preservation Order, the clearing of the site did not require any consent from the Council and does not affect the assessment of this application.

Therefore, having regard to the above the proposal complies with the policies and guidance set out above in respect of tree matters.

#### Ecology and Biodiversity Net Gain (BNG)

In assessing these issues, Policy CS20 ‘Biodiversity and Geodiversity,’ notes in part, that: *“The Council will conserve and enhance Rotherham’s natural environment and that resources will be protected with priority being given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets.”*

Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states, in part, that: *“Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,”* and adds that: *“Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes.”*



Policy SP35 'Protected and Priority Species' states that "*Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced...*"

The NPPF further advises in part of paragraph 180 that: "*Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things): d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...*"

The Council's Ecologist has assessed the submitted ecological reports, comments on which are set out below:

### *Bats*

The habitats adjacent to the site offer suitable habitat for wildlife so the proposed development may harm foraging or commuting bats.

The site will require a low-level lighting scheme prepared by a lighting engineer to ensure there is no light spill onto the boundary vegetation during both the construction phase of the development and when in-use. Artificial lighting design needs to be designed in accordance with the 'Guidance Note 08/23: Bats and Artificial Lighting At Night' Institute of Lighting Professionals, 2023. This will be conditioned.

### *Badgers*

The ecology report has identified the potential for badgers to be using the development site for foraging and commuting and therefore they may be harmed by the development.

A condition shall be imposed to avoid harm to potential badgers.

### *Biodiversity Net Gain*

As it is a retrospective development the site is exempt from the national requirement of providing a 10% biodiversity net gain.

However, the Council's adopted policy SP33 'Conserving and Enhancing the Natural Environment' requires developments to have no net loss.

It is noted that some of the objections received raise concerns about the site being cleared of vegetation prior to the use commencing but no evidence has been provided of this and the evidence that the Council has suggests that the main part of the site has not had any form trees / shrubs planting within it and the only vegetation at the site is the trees and hedgerows which run around the site's perimeter and which are to be retained. Historical aerial

photographs and streetviews from Google do not appear to show any vegetation in the central area of the site. Furthermore, photos from the applicant from 2015 of views within the site appear to back this up.

In light of the above it is considered that on the basis of the evidence available there would be no net loss in respect of BNG from this development.

Therefore, having regard to the above and subject to conditions, the proposed development raises no ecological or biodiversity concerns.

#### Other responses to objectors

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

The issue raised by several objectors regarding the ownership of the site and the link between the applicant (Burnhart Limited) and the adjacent business MTL are noted. The applicant's agent has confirmed that this is not the case and that they are two separate entities, although Burnhart do own the land which MTL occupies. Notwithstanding whether or not Burnhart and MTL are or are not the same, land ownership issues and business relations are held in planning law to not constitute a material planning consideration. As such there can be no weight given to this matter in the planning balance and the ultimate determination of the application.

It should also be noted that this application site does not include any land that formed part of the recent application at MTL (ref: RB2023/1471). In planning terms the two sites are separate and form two separate planning units.

#### **Conclusion**

Having regard to the above, the site is allocated for industrial and business purposes and is an allocated employment site within the Local Plan, accordingly the use of the site for B8 purposes is acceptable in principle and complies with the land use allocation and policy SP16 'Land Identified for Industrial and Business Uses'.

Further to the above, given the nature of the development and the proposed conditions in relation to operating hours and vehicle movements into the site it is considered that the use of the site as a haulage yard would not give rise to significant amenity issues. Accordingly, the use would comply with the requirements of policies CS27 'Community Health and Safety' and SP55 'Design Principles'.

In addition, given the access of the site is onto a private road before meeting the adopted public highway of Grange Lane there would be no highway issues that warrant a refusal.

Therefore, notwithstanding the comments raised by local residents, which are noted and have been considered, it is considered that for the reasons set out in this report and subject to the conditions restricting the operating hours and vehicular movements the objections have been suitably overcome and the development complies with the relevant national and local planning policies. Accordingly, there are considered to be no material planning reasons to refuse the application and as such the application is recommended for approval.

## **Conditions**

### **General**

01

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

024015 WBD 01 GF DR A 0004 Rev P01 – Location Plan  
024015 WBD 01 GF DR A 1000 Rev P01 – Site Plan  
024015 WBD 01 GF DR A 0002 Rev P01 – Site Elevations  
024015 WBD 01 GF DR A 0003 Rev P01 – Site Sections

Reason

To define the permission and for the avoidance of doubt.

### **Ecology**

02

Notwithstanding the submitted details, before above ground works commence details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites.

Reason

In the interests of biodiversity enhancement.

03

Works which include the creation of trenches or culverts or the presence of pipes shall include measures to protect badgers from being trapped in open excavations and/or pipes and culverts as stated in the ecology report [Section 6.2.2, Preliminary Ecological Appraisal, JCA Consultancy, March 2024].

These measures may include:

- a) Creation of a sloping escape ramp for badgers which may be achieved by edge profiling of trenches/excavations or by using planks placed at a 45 degree angle for badgers to escape;

- b) Chemicals should be stored in secure compounds;
- c) Open pipes should be temporarily capped at the end of each working day to prevent any animals gaining access;
- d) In the unlikely event that a suspected badger sett is found within or adjacent to the site in the future any work within 30 metres of the suspected badger sett must stop immediately and advice sought from a suitably qualified ecologist.

Reason

In the interests of biodiversity enhancement.

Restrictions

04

There shall be no vehicle movements into or out of the site and no plant / machinery shall be used for the handling of containers except between the hours of 06:00 and 22:00 Mondays to Fridays and between 08:00 and 14:00 on Saturdays.

Reason

In the interests of residential amenity.

05

There shall be no more than 16 two-way HGV movements per day accessing the site per day.

Reason

In the interests of residential amenity.

06

The site shall be used as a haulage yard only and for no other purpose (including any other purpose in Class B8 'Storage and Distribution' of the Schedule to the Town and Country Planning (Use Classes) Order, (or any Order revoking and re-enacting that Order with or without modification).

Reason

To allow a full assessment of future uses in respect of highway and amenity matters.

07

The shipping containers stored on the site shall not be stacked more than 2 high and not exceed a height of 6 metres above the existing ground level of the site.

Reason

In the interests of the visual amenities of the area.

## **Informative(s)**

01

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

02

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

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

03

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

## **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.

<b>Application Number</b>	<b>RB2024/0449</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/0449">https://rotherham.planportal.co.uk/?id=RB2024/0449</a>
<b>Proposal and Location</b>	Application to vary conditions 2 & 3 (Approved Plans, Plots 6 to 8 faced in stonework & render) imposed by RB2022/0931 at land at 9 Laughton Road, Dinnington
<b>Recommendation</b>	Granted Conditionally

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



### Site Description & Location

The application site is located off Laughton Road, close to its junction with Church Lane on the edge of Dinnington Town Centre and within the Dinnington Conservation Area. Laughton Road is a one-way street which is narrow in places and has a wide footpath in front of the site.

The site runs west to east, with buildings on all sides either on the boundary or in close proximity to them.

The site is dominated by dense continuous scrub. Scattered trees are present throughout the site. Two buildings are present within the plot. The first, a redbrick detached dwelling house (currently vacant), is located on the northern boundary with a small semi-derelict stone barn located within the centre of the plot.

Directly opposite the site on Laughton Road is the St Leonard's Church.

There is a stone wall on the site's western boundary with a gated opening. The remaining boundaries consist of stone and brick walls, hedges and elevations of properties.

To the north of the application site are properties along Barleycroft Lane, these consist of a mixture of residential dwellings, mainly terraced in nature with rear yards, and commercial premises. Some of these properties have long rear gardens that abut up to the northern boundary of the site.

To the south of the site towards the south-east corner, are two detached bungalows (nos. 2 and 3 Hall Farm Croft) which are accessed down a small private drive off Lidget Lane / Nursery Road. Both bungalows sit at a higher land level than the application site, no. 3 is a dormer bungalow with dormers on its rear elevation. It also has a two-storey outbuilding close to part of the southern boundary of the site.

Further along the southern boundary moving westwards is a stone built stable building running along part of the southern boundary, and moving further west along the southern boundary is another stone property known as The Turnip Place and no. 5 Hall Farm both of which are Grade II Listed. These properties have no habitable room openings facing the application site.

To the east of the site is the rear elevation of a two-storey property (3 The Close). The application site has been amended to include this. It was formerly an office which was converted in the 1980s to a residential dwelling (RB1981/1654). The plans approved at the time showed a number of windows in its rear elevation, which were to serve a bathroom, landing and a secondary bedroom window. Other openings were shown but these would serve a garage at ground floor and a roof void at first floor as no internal floor was proposed to provide accommodation above the garage.

Since the approval there appears to have been changes as there is now an internal floor above the garage creating an area which is used by the current owners (who have owned the building since it was converted) as storage. Furthermore, the window on the rear which was to serve a bedroom has only ever served a storage room.

## **Background**

There have been several previous applications submitted relating to this site:

RB2019/1599 – Demolition of an existing unlisted building within Dinnington Conservation Area & erection of 8 no. dwellinghouses with associated access, amenity space and parking – Granted Conditionally – 26 June 2020

RB2021/1053 – Application to vary condition 02 (plots 1 - 4 now to be faced in stonework and dimensional changes to plots 1 - 3) imposed by RB2019/1599 – Granted Conditionally – 29 July 2021

The above application sought to amend plots 1 - 4 with a change in materials to stonework and dimensional changes to plots 1 – 3.

RB2022/0931 – Application to vary condition 02 imposed by RB2021/1053 – Granted Conditionally – 2 September 2022

The above application sought to make changes to the positions of the chimneys, reduce window heights and to omit render in lieu of reconstituted stone on 5 of the 8 approved properties.

The original application (RB2019/1599) has commenced due to the demolition of the unlisted building and the development is therefore extant.

### CIL

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 seeking to vary conditions 02 (approved plans) & 03 (materials) imposed by RB2022/0931, which relates to the demolition of buildings and the erection of 8 dwellings that was originally approved under RB2019/1599 and which is extant due to the demolition of buildings on the site.

The current application is seeking to make changes to plots 6, 7 & 8. No changes are being proposed to plots 1 to 5.

The changes proposed include:

- Plots 6, 7 & 8 will have a ground floor level that is 450mm lower than previously approved.
- The ridge level of plots 6, 7 & 8 will be reduced.
- The volume of the off-shot element on the rear of plots 6, 7 & 8 will be reduced by a reduction in height.
- The external elevations will be a mix of stone and render.
- Dormer windows changed from pitch roof to mono-pitch roof.
- Change in windows.

With regard to the changes proposed the applicant has provided the following justification:

- The approved elevations contain proposals for a duality of finishing materials to the external walls, consisting of stone elements and a rendered finish. Subsequent schemes that were submitted for pre-application advice relating to proposed amendments were withdrawn,



however those subsequent schemes included proposals to revise the finished external wall materials entirely to stone units, below eaves level. The updated scheme (i.e. the subject of this proposed variation) returns to the mixed use of stone and render as the main external materials.

- With respect to the proposed dormer form, the approved scheme included the provision of two duo-pitched dormers to the front face of the main roofs; this allowed for a section of higher head space in each of the rooms that would have been located within the attic space. The updated proposals include a single wider mono-pitched roof, which is needed to facilitate a single bedroom within the attic level. The main driver for change between the provision of two smaller rooms and one larger room within the roof space, is the revised location of the main staircase. The stairs are now proposed to be positioned to one side of the overall floor plans, as this provides a more efficient use of circulation space within each unit.
- The revised location of the staircase has also led to the removal of the windows to the cloakroom and utility room to the side (north) elevations. In lieu of two windows in the previous locations, two alternative windows are now included in a vertical 'stacked' orientation. These alternative windows provide natural light to the new staircases, as opposed to habitable areas.

## **Development Plan Allocation and Policy**

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

The majority of the application site is allocated for Residential purposes in the Local Plan, while part of the north west corner of the site where the former building was sited is allocated for Retail purposes. The site also falls within the Dinnington Conservation Area and adjacent to the Grade II Listed Hall Farm to the south. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS14 'Accessible Places and Managing Demand for Travel'  
CS21 'Landscapes'  
CS23 'Valuing the Historic Environment'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS30 'Low Carbon & Renewable Energy Generation'  
CS33 'Presumption in Favour of Sustainable Development'  
SP11 'Development in Residential Areas'  
SP19 'Development within Town, District and Local Centres'  
SP26 'Sustainable Transport for Development'  
SP40 'Listed Buildings'  
SP41 'Conservation Areas'

SP52 'Pollution Control'  
SP55 'Design Principles'  
SP57 'Sustainable construction'  
SP64 'Access to Community Facilities'

### **Other Material Considerations**

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

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

Dinnington Neighbourhood Plan (adopted May 2021)

South Yorkshire Residential Design Guide

Supplementary Planning Documents

- Transport Statements, Travel Plans and Parking Standards
- Air Quality and Emissions

### **Publicity**

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. 3 letters of representation have been received from local residents and 1 letter of objection from Dinnington Town Council, which includes 5 signatures and addresses.

The issues raised by the residents are summarised as:

- The change in the design of plots 6, 7 & 8 brings them closer to our properties and would tower over our house and garden, blocking light.
- We have not been informed of any Party Wall notice for the work that has been done and proposed to be done within 3m of our boundary wall.
- The plans from the 2020 application showed a 25 degree sight line and now shows a 45 degree sight line.
- We assumed when previously objecting to other applications that the 21 metre rule would apply.
- Plot 8 would overshadow our bungalow. The gable end would be close to our boundary wall.
- The overbearance would impact on our health and well-being as our private space in the garden is going to be blocked.
- The gable of plot 8 will also impact on light for our lounge, kitchen and conservatory windows.

- This gable end, being so close, will compromise the footings of our boundary wall greatly.
- The design of the 3 buildings needs to remain the same as the original application as this is more aesthetically pleasing and more in keeping with the surroundings. Even though the new development of no 3 The Close is more modern this does not face this development and it is accessed by Lidgett Lane not Laughton Road. The new design for No3 is only still 2 stories not 3. Also there are no houses in Dinnington at all that are similar to the new proposals. Even all the new builds are within keeping and similar to the old planning application.
- The original 3<sup>rd</sup> floor windows were less imposing and more in keeping with the original application and also the whole building was to be in brick or stone as opposed to render and stone corners. Also, over a period of time render cracks and peels where brick or stone does not. We feel that there will not be enough room between the 3 properties and our boundary wall for maintenance of the render.
- The 2<sup>nd</sup> and 3<sup>rd</sup> floor windows at the front of the property of plot 8 will overlook our neighbours garden and windows and will therefore invade their privacy and also impact on their health and wellbeing.
- Plot 6 will also overlook the houses and gardens of some the residents of Barleycroft Lane again impacting on their health and privacy.
- If the position of plot 8 is to remain then the chimney stacks in all 3 plots should be reinstated as this will at least take the gable end slightly away from ours and the three plots' boundaries.
- Although the architect implies that the removal of 450mm of ground cover will lessen the impact on the overshadowing for our bungalow it is not going to take that much imposition away at all as it appears that the buildings now seem bigger in width.
- The removal of ground will compromise the structure of our boundary wall especially as our footings are already visible with the clearing that the contractors have been doing before planning has been passed. The extraction of this ground cover across the site will also cause traffic problems in bad weather. If 450mm were to be removed then the incline towards the back of the site will gather water and ice. This will impact on all the vehicles that access it. Future accidents will most definitely occur as it appears that no safety aspects have been considered. All the service vehicles – dustbins, ambulance and fire engines will have to use this road as from the main road to the back of the site it is too far away. This will endanger pedestrians and other users.

The issues raised by Dinnington Town Council are summarised as:

- The structure and stability of the boundary wall to neighbouring properties, especially with the removal of ground cover to accommodate the new builds.
- Gable windows on new properties should comply with all legislation to ensure the privacy of neighbouring properties is protected.

- The design of the new properties should not vary without good reason and should be in keeping with the area in both appearance and scale.
- Ensure compliance with RMBC's Local Plan and DSJTC's Neighbourhood Plan.

On receipt of amended plans further letters were issued, a further 1 letter from a resident was received. The issues raised are summarised below:

- This amendment is not in keeping with the character and preservation principles that should guide any changes in such a historically significant zone.
- The previously allowed demolition of the old blacksmiths building on this site was a mistake.
- The current amendment has a disregard to the conservation area's unique historical and cultural heritage.

2 Right to Speak requests have been received from a local resident and the applicant.

### **Consultations**

RMBC – Transportation Infrastructure Service: No objections to the changes.

### **Appraisal**

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

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

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

The application is seeking minor changes to the external appearance of three of the eight properties approved under RB2019/1599; RB2021/1053 and RB2022/0931.

Given the previous buildings that occupied the site have been demolished and there were no pre-commencement conditions imposed on either of the three previous approvals, the previous permissions have commenced and as such are extant. Therefore, matters regarding the principle of development cannot be considered as the principle of residential development on this site has been established.

Furthermore, given the changes proposed relate to changes to the appearance of plots 6, 7 & 8, together with the three previous extant permissions, considerations regarding highways, drainage, ecology, trees and land contamination are not considered material in the determination of this application. This is because these matters have been considered and deemed acceptable under the previous approvals and the changes put forward in this application would not impact on these matters over and above the previous approval.

The consideration in the determination of this application only relate to the changes hereby proposed to plots 6, 7 and 8 and are considered to be:

- how the changes affect the design of the dwellings and whether the changes impact on the Conservation Area or the nearby Listed Building; and
- how the changes affect the amenity of local residents over and above that of the previous permissions

#### Design and impact on heritage assets

Local Plan 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 of public realm and 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.

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

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

The NPPF at paragraph 131 states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 135 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

Policies CS23 'Valuing the Historic Environment', SP40 'Listed Buildings' and SP41 'Conservation Areas' require developments in Conservation Areas and adjacent Listed Buildings to preserve, conserve and enhance their setting and historic significance.

The changes proposed under this application relate to plots 6, 7 & 8 and relate to changes to the materials, dormer windows, rear off-shot and window positions.

The changes to materials reverts the properties back to a mix of stone and render, the dormer windows have been amended from pitched roof form to a mono-pitch form, the height and mass of the rear off-shots have been reduced and the position of windows to staircases have been amended. Furthermore, the ground floor level of the plots have been reduced by 450mm resulting in a lower ridge line.

The original plans submitted with this application showed plot 8 being moved closer to the rear elevation of 2 Hall Farm Croft than that shown on the previous approvals. Resulting in a distance of 10.25m from the side of Plot 8 to the rear of 2 Hall Farm Croft. Revised plans have been submitted to move Plot 8 back to 10.59m from the rear of 2 Hall Farm Croft, which is the same distance as the previously approved scheme (minus the depth of the chimney, which is to be removed). Therefore, the distance from the side of Plot 8 to the rear of 2 Hall Farm Croft would be unaltered as a result of this application.

It is considered that the changes from a design perspective are minor and would not raise any design issues. Furthermore, the changes proposed would not affect the developments impact on the Conservation Area or setting of the adjacent Listed Church. Accordingly, the proposal from a design perspective would satisfy the requirements set out within the local and national planning policies and guidance set out above and the requirements of the Dinnington Neighbourhood Plan.

#### Impact on amenity of neighbouring residents

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

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

The South Yorkshire Residential Design Guide sets out appropriate spacing distances between properties. The SYRDG states that there should be a minimum of 21m between principal elevations or between elevations with habitable room windows; and that an elevation with a habitable room window should be a minimum of 10m from a boundary with another property. Furthermore, where a property's rear elevation faces a side elevation a 45 degree vertical sightline from the habitable room window should clear the ridge line of the property it faces.

In this instance it is noted that both the floor level and ridge height of the plots 6, 7 & 8 will be below that of the previous approval by approximately 450mm, moreover the plans have been amended so that the side elevation of plot 8 has reverted back to the distance from the rear of 2 Hall Farm Croft as per the previous approval (approximately 10.59m).

The proposed development at plot 8 by virtue of being lowered by 450mm will result in the 45 degree sight line from the rear of no. 2 Hall Farm Croft clearing the ridge line of plot 8 more than previously approved. Furthermore, the properties to the south of Plot 8 on Hall Farm Croft, are both dormer bungalows and for the reasons set out above would not be impeded by the development in respect of views or by being oppressive. In addition, as the application site is at a lower land level than the neighbouring bungalows, any views from the dormer windows would be over the development and views at ground floor would be blocked by the high brick boundary wall that runs to the rear of these properties.

Furthermore, the same restrictions as set out in previous applications for plots 6, 7 and 8 will be imposed on this application.

Having regard to the above it is considered that on balance the proposed development would not adversely affect the amenity of existing neighbouring residential properties given the distance between properties remains as previously approved and the floor level and ridge height have been reduced. Accordingly, the scheme would comply with paragraph 136(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety' and SP52 'Pollution Control' and the SYRDG.

It is noted that some of the objectors have raised issues regarding damage to boundary walls, subsistence and the Party Wall Act. Whilst these matters are noted they are not material planning considerations as they are dealt with under separate legislation or are civil matters between the developer and the owner of adjacent properties. Any damage caused to third party land would fall on the developer to put right and / or be liable for.

### Highways

The submitted application relates to amendments to the height and external features of the plots, and as such, there appears to be no highway implications relating to this application. This being the case, there are no objections to the granting of planning permission in a highway context.

## Other responses to objectors

The issues raised by objectors in respect of impact on views, light and privacy have been considered and addressed in the amenity section of this report, and given the amended plans show the dwellings no closer than the previous application and are at a lower level than previously approved the impact of the changes would not be no greater on the amenity of nearby residents.

In addition, to the above as previously stated matters relating to damage during construction of neighbouring properties and / or land, as well as Party Wall Act requirements are not material planning considerations and as such no weight can be given to these matters in the assessment of the planning merits of this application.

The comments raised regarding the impact on the Conservation Area are noted, however the principle of development and the demolition of the blacksmiths building have been established and the previous permissions have been implemented, as such the site benefits from an extant planning permission which cannot be reassessed.

Further to the above, it should be noted that only the western half of the site falls within the Conservation Area and the area where plots 6, 7 and 8 are sited and have previously been approved are not within the Conservation Area, therefore the amendments to these plots do not have an adverse impact on the Conservation Area.

## **Conclusion**

It is considered that the proposed changes still provide an adequately designed scheme, in keeping with the character of the Conservation Area that would not affect the setting of the adjacent listed buildings and provide appropriate amenity provision for the proposed occupiers. The changes to the dwellings are not considered to impact on the residential amenity of the neighbouring properties, and the proposal would still have little impact on the highway network. As such it is recommended that the application be granted with conditions.

## **Conditions**

### General

01

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



XY20-0147(06)501\_4.6a (Location Plan)  
XY22-0191-P0 (06)510\_4.6a (Site Layout Plan)  
XY22-0191-P0 (06)550\_4.6a (Site Layout Plan)  
XY22-0191-P0(06)001\_4.6a (Site Layout Plan with Boundary Treatment)  
XY22-0191-P1 (08)001\_3.1 (Plot 1 Elevations)  
XY22-0191-P1 (07)001\_3.1 (Plot 1 Floor Plans)  
XY22-0191-P2 (08)001\_3.1 (Plot 2 Elevations)  
XY22-0191-P2 (07)001\_3.1 (Plot 2 Floor Plans)  
XY22-0191-P3 (08)001\_3.1 (Plot 3 Elevations)  
XY22-0191-P3 (07)001\_3.1 (Plot 3 Floor Plans)  
XY22-0191-P4 (08)001\_3.1 (Plot 4 Elevations)  
XY22-0191-P4 (07)001\_3.1 (Plot 4 Floor Plans)  
XY22-0191-P5 (08)001\_3.1 (Plot 5 Elevations)  
XY22-0191-P5 (07)001\_3.1 (Plot 5 Floor Plans)  
XY22-0191-P6 (07)001\_4.5 (Plots 6, 7 & 8 Floor Plans)  
XY22-0191-P6 (08)001\_4.5 (Plots 6, 7 & 8 Elevations)  
XY22-0191-P0 (08)399\_4.6a (Cross Section)

#### Reason

To define the permission and for the avoidance of doubt.

#### Materials

02

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form. 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.

03

The development shall not be brought into use until the boundary treatments detailed on drawing number XY22-0191-P0(06)001\_4.6a have been implemented, unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

In the interests of the visual amenity of the area.

#### Highways

04

Prior to the occupation of any dwelling, details of vehicle charging points (a minimum of one point per dwelling) shall have been submitted to and approved by the local planning authority. Each dwelling shall not be occupied until the charging point has been provided, and they shall thereafter be retained.

Reason

In the interests of sustainable development and air quality.

05

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity.

06

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

Reason

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

07

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

Reason

In order to promote sustainable transport choices.

Trees

08

A suitable scheme of proposed tree planting and tree pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved. The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.

- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
  - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
  - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
  - Staking/tying method(s).
  - Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

#### Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

#### Ecology

09

Details of the mitigation measures, as set out in paragraph 8.3 of the Preliminary Ecological Appraisal (approved under RB2019/1599), shall be submitted to and approved by the local Planning Authority and the approved details shall be implemented before the development is brought into use and thereafter retained and maintained unless otherwise agreed with the Local Planning Authority.

#### Reason

In the interests of biodiversity.

#### Restrictions

10

Before any of the dwellings on Plots 6, 7 or 8 are occupied, the windows at first floor on the rear elevation of no. 3 The Close shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 4 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of Plots 6, 7 and 8.

11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further windows or openings shall be inserted into the rear elevation/roofslope of no. 3 The Close.

Reason

In the interests of the amenities of the occupiers of Plots 6, 7 and 8.

12

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further windows or openings shall be inserted into the side elevation of Plot 2 or the rear elevation/roofslope of Plot 4.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

Drainage

13

Drainage works or above ground development shall not begin until 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, have been 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 the Local plan and the NPPF.

Land Contamination

14

Prior to any construction works commencing a Phase II Intrusive Site Investigation will be undertaken to assess the 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 by 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.

15

Subject to the findings above and prior to any remediation works commencing on site, a Remediation Method Statement shall be provided and approved by the Local Planning Authority. 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 Planning Authority shall 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.

16

In the event that during development works unexpected significant contamination is encountered at any stage, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

#### 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.

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

#### Reason

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

#### **Informative(s)**

01

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

02

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

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

03

Any impact from construction on hedgehogs can be minimised by considering the timing and method of clearance. Whilst there is no optimum time of year for habitat clearance, due to hedgehogs' use of nests all year round, an autumn site clearance will avoid the bulk of the breeding season and will be prior hibernation. A high cut / low-cut method of removal will also allow a check for nests in between cuts.

04

Post development, and in order to increase invertebrate species and enhance the attractiveness of the site for birds, bats and other fauna, the site would benefit from a sensitive planting scheme to include native broadleaved tree and wildflower species. Suggestions are outlined within Appendix Three of the Preliminary Ecological Appraisal submitted with this application.

In line with the NPPF (2019), any future development can incorporate several habitat enhancements, through the management and enhancement of existing habitat or the creation of new habitat.

Habitat enhancements could include:

- The planting of native tree species and shrubs within landscaped areas.
- The inclusion of nectar-rich native and ornamental plant species within the planting design to provide food for a range of invertebrates and increase aesthetic appeal.
- The erection of bird boxes around the perimeter of the site. These should be a minimum of 4 metres above ground level to avoid disturbance and reduce the potential for predation, particularly by cats.
- The inclusion of one integrated bat box in 10% of the overall development footprint to increase roosting opportunities for bats. Integrated bat boxes form part of the fabric of the building and provide a separate cavity for roosting bats, with no access to the wall cavity. They require very little maintenance.
- Gaps within boundary fencing to provide hedgehog highways throughout the site and wider landscape outside the site boundary.

05

The South Yorkshire Police Architectural Liaison Officer recommends that the development is designed and built to Secured by Design standards. [www.securedbydesign.com](http://www.securedbydesign.com)

## 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.