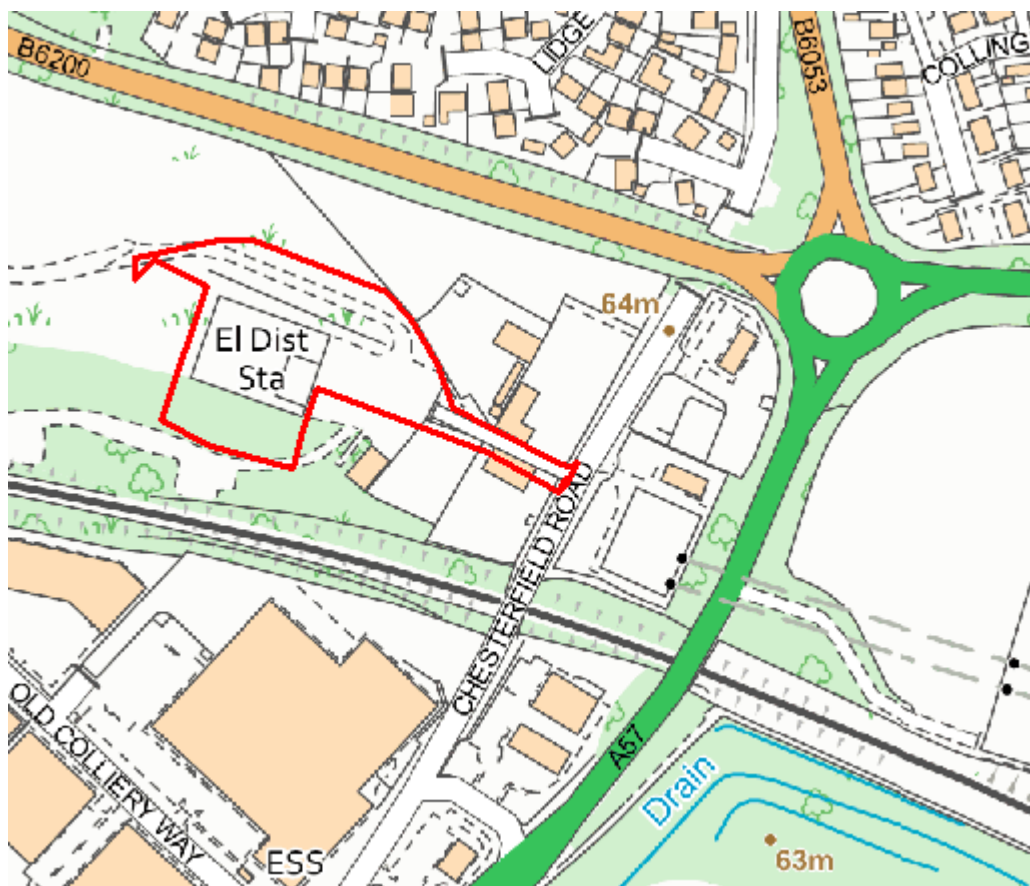


## REPORT TO THE PLANNING BOARD TO BE HELD ON THE 29 August 2024

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

<b>Application Number</b>	<b>RB2023/1323</b> <a href="https://rotherham.planportal.co.uk/?id=RB2023/1323">https://rotherham.planportal.co.uk/?id=RB2023/1323</a>
<b>Proposal and Location</b>	<b>Erection of a battery energy storage facility including storage containers and other support infrastructure and equipment, land off Chesterfield Road, Swallownest</b>
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



### Site Description & Location

The application site is an area of disused land which once formed part of a quarry, linked to the production of bricks. The land has since been tipped and restored to its original levels. A gas powered back up electricity plant previously operated from the site.

The site is accessed off the Chesterfield Road, to the South of the village of Swallownest. Surrounding uses include a crane hire company, caravan storage and a gas back up electricity generating power station.

## **Background**

RH1972/7483 - Extraction of brick-making minerals deposit & outline for buildings  
for these purposes - GRANTED CONDITIONALLY

RB1974/0178 - Outline for light industrial development – Withdrawn

RB2017/1681 - Gas fuelled capacity mechanism embedded generation plant and associated facilities, landscaped bund with acoustic fencing to a maximum height of 5m, 10 x 6m security columns and 2.4m high security fencing, at land off Chesterfield Road, Swallownest - GRANTED CONDITIONALLY

RB2018/1812 - Non-material amendment to application RB2017/1681 to accommodate the reconfiguration of the associated infrastructure on site, amendments to generator, reduction in the scale of the single switch (66/11kv transformer) and amendments to the switch room elevation to incorporate both the transformer & substation units into one building – WITHDRAWN

RB2019/0030 - Application to vary condition No. 02 (approved plans) imposed by planning application RB2017/1681 - GRANTED CONDITIONALLY

RB2020/0670 - Application to vary condition No. 02 (approved plans) & 06 (Acoustic Fence) imposed by planning application RB2019/0030 to Increase the flue heights and diameter, including installation of silencers, ancillary equipment to engines and improvements to acoustic fence - WITHDRAWN

## EIA Screening Opinion

The proposed development falls within the description contained at Paragraph 3(a) “Industrial installations for the production of electricity, steam and hot water” of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the area of the development exceeds 0.5 hectares (when the blue edged plan is considered as well as the red edge plan). However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

The development has been assessed against the following three factors:

- Major developments of more than a local importance;

- Development in particularly environmentally sensitive or vulnerable locations;
- Developments with unusually complex and potentially hazardous environmental effects.

The proposal is not considered to have more than a local importance due to the type and scale of the development proposed. The capacity of the facility is to serve the local area only and no additional off site works are required within or outside the borough to accommodate the development.

The site does not lie within an environmentally sensitive location as defined in the Regulations such as a SSSI, a National Park, the Broads, an Area of Outstanding Natural Beauty, a World Heritage Site or Scheduled Ancient Monument. As such it is considered that the proposal would not have a significant ecological impact within the locality.

The development would not have unusually complex and potentially hazardous environmental effects as the proposed battery technology is well established and mitigation measures are in place/can be conditioned to prevent/manage a fire, as well as any flood water pollution issues.

Accordingly, it is the Local Planning Authority's opinion, that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations.

## **Proposal**

The applicant seeks permission for the erection of storage containers and support infrastructure for a 50MW Battery Energy Storage Facility. The facility will provide backup power to the national grid and utilises some of the previous infrastructure on site, including the compound and the acoustic bund with acoustic fencing.

The new development on site consists of:

- 12 Battery Units;
- Amenity cabins;
- 6 Inverters;
- CCTV Columns (likely to be upgraded).

The following existing infrastructure will be retained:

- Existing Security Fence;
- Existing NER Equipment;
- Existing Switchroom;
- Existing Gas Kiosk (albeit there is a possibility this will be removed in the future);
- Existing Security Gate;
- Existing 66kV Substation.

## Planning Statement

Electricity storage is a key technology in the transition to a smarter and more flexible energy system and will play an important role in helping to reduce emissions to net zero by 2050. Technologies such as Battery Energy Storage alongside other technologies like demand side response and interconnection can provide flexibility to the system, by shifting when and where electricity is generated and shifting when electricity is used.

The proposed development would support the decarbonisation of the energy industry in the UK. The changing nature of the UK's energy requirements is clearly defined in Government Energy Policy and is supported by the anticipated requirements of the National Grid. These considerations clearly identify an essential requirement for additional balancing capacity to meet demand and support the transition to a low carbon, resilient energy network. The battery energy storage facility would make an important contribution towards meeting these requirements.

The proposed energy generation has been designed to help ensure continuity of electricity supply within the local distribution network and this network is essential for supplying homes and businesses with electricity. This is a suitable location for this type of development and it would have negligible environmental impacts.

In summary, the development proposals will:

- Contribute to the wider environmental benefits associated with facilitating increased production of energy from renewable sources;
- Help meet the national and regional requirement for energy storage and stabilisation to support the urgent need to increase renewable energy generation. The scale, function, compatibility with existing infrastructure and surrounding industrial and business uses and the timing for delivery mean that the development proposals deliver on the need to upgrade renewable energy infrastructure and meet growing demand; and
- Contribute towards energy security and cost reduction (Government priorities);

Overall the scheme provides a number of benefits, particularly ensuring local electricity supply. This planning statement provides an assessment of the proposed development against the Development Plan, concluding that it accords with the Development Plan, read as a whole and is further supported by other material considerations including the NPPF and Government and local policy supporting the transition to a low carbon electricity network. Therefore the proposed development should be granted planning permission in accordance with the statutory presumption as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

## Amended Noise Impact Assessment

This technical noise assessment has been produced to accompany a Planning Application to Rotherham Metropolitan Borough Council and is based upon environmental noise measurements undertaken at the site and a subsequent 3-dimensional noise modelling exercise.

The assessment identifies that the Proposed Development will give rise to rating sound levels that are below the measured background sound level in the area, at the assessed residential receptors, thus giving rise to a 'Low Impact', meaning that the Proposed Development demonstrates compliance with the requirements of BS4142:2014+A1:2019.

Consequently, the assessment demonstrates that the Proposed Development will give rise to noise impacts that would be within the range of NOAEL of the NPPG England guidance.

For ease of reference, the definition of No Observed Adverse Effect Level in PPGNoise is reproduced below:

“Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.”

Since the Proposed Development conforms to British Standard and National Planning Policy requirements, it is recommended that noise should not be a considered constraint to the approval of this Planning Application, providing that the plant is constructed and operated in accordance with the acoustic assumptions of this report.

## Fire Safety Strategy

### General Overview

- Conrad Energy emphasizes health and safety in their operations, managing BESS with a focus on minimizing fire risks.
- The BESS system uses Lithium Iron Phosphate battery chemistry, which has a lower risk of thermal runaway.

### Statutory Guidance

- Compliance with UK laws like the Health and Safety at Work Act 1974 and various other regulations concerning electricity and workplace safety.
- Engagement of qualified Principal Contractor and Designer as per Construction Design Management Regulations 2015.

## Fire Safety Strategy

- Incorporation of fire prevention in design and collaboration with local Fire and Rescue Services.
- Use of Design Risk Management to ensure safety through design stages.
- Implementation of a quality control and assurance program during the design, construction, and operation phases.

## Monitoring and Emergency Response

- Battery containers are designed to mitigate risks with adequate separation and controlled environments.
- SCADA systems and Battery Management Systems for ongoing monitoring and immediate response to abnormalities.
- Proactive emergency planning with local Fire and Rescue Services.

## Fire Mitigation Measures

- Detailed design includes accessibility for fire services and firefighting equipment.
- Fire suppressants in BESS containers and automatic notification systems for fire services.
- Comprehensive site design to accommodate emergency vehicle access.

## Regulatory Compliance and Management

- Adherence to national standards like NFPA 855 for energy storage systems.
- Fire safety management plans compliant with the Regulatory Reform (Fire Safety) Order 2005.

## Conclusion and Future Plans

- Ongoing consultation with stakeholders, particularly local fire services, to refine safety strategies.
- Commitment to maintaining high safety standards through the project's lifecycle.

## **Development Plan Allocation and Policy**

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

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

Local Plan policy(s):

CS21 'Landscape'  
CS25 'Dealing with Flood Risk'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS30 'Low Carbon and Renewable Energy Generation'  
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'  
SP56 'Car Parking Layout'

## **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 revised NPPF sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

Rotherham Adopted Supplementary Planning Documents:

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

## **Publicity**

The application along with the amended plans has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. Letters of objection have been received from 36 properties, there have been a number of letters submitted during the course of the application with overall a very high level of individual emails and letters of objection received. Objections have also been received from Cllr Lyndsay Pitchley and the former MP Alexander Stafford.

The objections submitted relate to the following:

### **Noise Impact:**

- The revised noise assessment did not properly account for penalties for tonality and calculation uncertainty.
- Background noise measurements were taken near a busy road, not representative of the actual quiet night-time environment.
- Cooling fans required during night-time charging would cause significant noise disturbance to nearby residents.
- The noise assessment underestimated the Rating Sound Level by 2-3dB, with amendments showing a +8dB increase.
- Evening and night-time noise impacts were found to be above background levels, indicating adverse impacts on residential amenity.
- The applicant's promotional flyer recommends a minimum distance of 200m from the nearest resident.

### **Fire Safety Concerns:**

- The Fire Safety Management plan lacks a fire sprinkler system, opting for a "let it burn" approach, which is unsuitable for residential areas.
- Risks associated with toxic smoke production, explosive hazards, exclusion zones, and water pollution from firefighting efforts were not adequately addressed.
- Lack of provisions for blast walls or other measures to reduce explosion hazards.
- The proximity of the BESS to residential areas increases the risk to human health and safety during a fire incident.

### **Visual Intrusion:**

- The development will be visually intrusive and harmful to the amenity of the area.
- Absence of a Landscape Visual Impact Assessment (LVIA) is a significant oversight.

### **Operational Failures and Accident Risks:**



- The EIA screening opinion did not consider risks of major accidents and operational failures.
  - Potential impacts on human health and the environment from such failures were overlooked.
- ☐ **Encroachment on Green Space:**
- The development encroaches on designated green space, which serves as an important buffer and amenity area, violating local policies.
  - Inconsistent application of Local Plan Policies regarding green infrastructure and landscape.
- ☐ **Highway Access Issues:**
- Conflicting evidence about the feasibility of vehicle entry and exit without mounting the kerb and using the footpath.
  - Poor design and planning regarding highway access, requiring zero clearance manoeuvres.
- ☐ **Emergency Response Concerns:**
- Lack of adequate provision for emergency access and response in the event of a thermal runaway incident.
  - Requirement for extensive emergency services support, including fire, police, and ambulance services, was not addressed.
- ☐ **Inadequate Environmental Impact Assessment (EIA) Screening:**
- The EIA screening opinion did not consider cumulative environmental impacts.
  - Failure to address all relevant selection criteria from the EIA regulations, leading to an incomplete assessment.
- ☐ **Risk to Human Health:**
- The screening opinion did not consider the risk of water contamination and

A specific Environmental Impact Assessment Objections states that:

- Risk of major accidents and/or disasters: The screening opinion did not consider the risk of major accidents relevant to the development, including those caused by climate change.
- Risks to human health: The risks to human health from factors like water contamination and air pollution were not addressed.
- Environmental sensitivity: The opinion did not properly consider the environmental sensitivity of the geographical area, particularly densely populated areas.

- Operational failures: The opinion did not address the possibility of operational failures, including the containment of water runoff and the release of toxic gases.
- Professional consultation: There was a lack of consultation with professional stakeholders, such as the local fire and rescue service, which was recently added to the planning portal but not considered in the screening opinion.
- Visual intrusion: The development was described as "industrial" in character and appearance, which could be visually intrusive and harmful to the amenity of the area, contrary to local planning policies.
- Landscape Visual Impact Assessment (LVIA): The absence of an LVIA in the applicant's submissions was highlighted, which should have been part of an EIA.
- Legal risks: The decision not to require an EIA exposes the development to legal challenges, as illustrated by the case of R (oao Silke Roskilly) v Cornwall Council, where a development proceeded without an EIA and was later subject to legal challenge.
- The screening opinion did not adequately consider the impact on local green spaces, which are afforded protection similar to Green Belts under local planning policies.
- Cumulative impacts: The potential cumulative environmental impacts of the development in combination with other existing or planned developments were not considered.

Former MP Alexander Stafford objection:

- A number of residents have contacted me to express their objection to this application and, given the history of this site, I share these serious concerns.
- The Arlington facility caused a tremendous amount of distress and inconvenience to residents living in close proximity because of the noise and safety implications and I do not think that these implications will be in any way offset by the new applicant. I am extremely concerned that residents whose home environment was negatively impacted by a previous battery energy storage facility are being faced with another similar application in the same location.
- Given the above, I am of the strong feeling that this application needs to be rejected to protect the health and wellbeing of residents. Please consider this my formal letter of objection to the above planning application, and notice of request to speak at any future planning

hearing, should this application come before the board.

Cllr Lyndsay Pitchley objects on the following basis:

- Noise pollution , disruption to sleep due to the constant noise, and disturbance of to peace on the weekends especially.
- Effects the mental health of residents listening to the constant humm
- potential fire risk so close to residential property
- Harm to local and surrounding environment

The applicant and 5 objectors have requested the right to speak at Planning Board. The Former Local MP Alexander Stafford is one of the objectors requesting the right to speak.

### **Consultations**

RMBC – Transportation Infrastructure Service: No objections to amended details, subject to relevant conditions

RMBC – Land Contamination: Past site investigations and recent site usage for electricity generation do not indicate that gross contamination has occurred when considering the end use of the site as a commercial/industrial end use. However, it is strongly recommended that further site investigation be undertaken to adequately assess land stability and possible ground contamination (including ground gas) for the areas of land proposed to be developed by this applicant. Additional ground improvement works are likely to be required.

RMBC – Environmental Health: Whilst there were some concerns that the noise impact assessment may have understated the expected noise impact, the noise impact accounting for increased tonal corrections will still result in noise emissions which would be unlikely to give rise to serious adverse effects on noise sensitive receptors provided that the equipment mentioned in the report is used and installed/orientated as described. It is therefore necessary that conditions are imposed to ensure that the proposal does not have any significant impact on nearby noise sensitive receptors.

Environment Agency: No objection subject to fire water condition

RMBC – Drainage: No objections subject to relevant conditions

The Coal Authority - The application site does fall within the defined Development High Risk Area; however, I can confirm that the nature of development is listed as exempt from Version 7, January 2023 of the Coal Authority's Guidance for Local Planning Authorities.

Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

South Yorkshire Fire Service – South Yorkshire Fire and Rescue (SYFR) comments that the proposal appears to be satisfactory in respect of Fire Service access to the new building, which should comply with the Building Regulations 2010, Approved Document B5 “Access and Facilities for the Fire Service.”

The Fire Safety Management document appears reasonable and SYFR expect the development be undertaken in line with this.

RMBC – Air Quality: 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 main considerations in the determination of the application are:

- Principle of Development
- The impact on local amenity from Noise
- Design considerations
- Highway matters
- Air Quality
- Land Contamination
- Fire Safety and Potential Water Contamination
- Other Issues

### Principle of Development

The application site is allocated for Industrial and Business Use' within the Local Plan.

Policy SP16 states: “Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and

B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposals satisfy the requirements of Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy.

The government considers electricity storage facilities to be a form of electricity generating station for planning purposes. As such the use falls within the B2 General Industry category and accords with SP16. Furthermore, the site has recently been used for a similar electricity generating use. As such the principle of development is appropriate.

The proposed battery energy storage system (BESS) would allow intermittent renewable energy such as wind and solar power to be stored when supply is high and released to the electricity grid network during times of peak demand.

Battery storage is an essential part of the system services that will enable the National Grid to handle the change in power flows arising from the growth in power from renewable energy sources and the decommissioning of coal and gas power stations. Without the system services to support zero carbon technologies, stabilising the National Grid will be challenging and will constrain the amount of renewable energy that can be utilised by the grid, ultimately hindering the ability to decommission further coal/gas power plants.

In 2019, the Climate Change Act (2050 Target Amendment) Order 2019 increased the UK's commitment to a 100% reduction in carbon emissions by 2050 (net zero), and in 2021 the Government adopted the Sixth Carbon Budget (2033-37) to cut emissions by 78% by 2035. The Government's intention is to have a fully decarbonised electricity system by 2035. National Grids Future Energy Scenarios expects that to secure net zero could require as much as 47GW of electricity storage by 2050, of which 31GW would be at transmission level, which is the type of storage represented by the appeal scheme.

It should also be noted that Rotherham Council has declared its own Climate Emergency in 2019, with a requirement that Rotherham Borough achieve Net Zero by 2040, ten years prior to the 2050 target referred to above.

#### The impact on local amenity from Noise

Core Strategy Policy CS27 states that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..." Local Plan Policy SP55 Pollution Control indicates that 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 is likely to give rise unacceptable noise or light pollution.

The applicant has submitted a revised noise assessment undertaken by Inacoustic, dated 6<sup>th</sup> December 2023 (Project No: 23-143, Version 3). The

noise assessment has been carried out using the methodology as contained within BS4142:2014+A1:2019, Methods for Rating and Assessing Industrial and Commercial Sound. The assessment has been based upon environmental noise measurements undertaken at the site and a subsequent 3-dimensional noise modelling exercise. The noise report concludes 'that the proposed development will give rise to rating sound levels that are below the measured background sound level in the area, at the assessed residential receptors, thus giving rise to a 'low impact', meaning that the proposed development demonstrates compliance with the requirements of BS4142:2014+A1:2019'. The revised report provides some further clarification with regard to concerns previously raised by the Council, particularly in relation to the use of 'candidate' equipment. Having considered the additional information, the noise issues are referred to below:

One survey location has been used to establish background noise levels by the applicant and additional previously measured background noise levels for that area have been used to supplement this information. When compared against the current measured background levels, the survey undertaken by Inacoustic can be considered as being suitably representative of the noise sensitive receptors to the north of the site as identified within the report.

The primary noise sources are fans serving inverters and battery cooling systems, generating aerodynamic broadband sound. The applicants submitted Noise Assessment has been assessed by the Environmental Health Team and an independent consultant and it is concluded that overall, the proposed development will not exceed background noise levels at noise sensitive receptors during daytime and night time hours.

As a safeguard against any uncertainty referred to above the applicant has agreed to a number of noise conditions to ensure that the noise levels within their submission are not exceeded. Condition 13 requires the use to not exceed background noise levels and will allow the Council the ability to enforce any breach of the noise levels and ensure that neighbouring amenity is protected during the lifetime of the development.

Notwithstanding the above condition, a further safeguard is proposed in condition 14 which aims to protect residents in the event that background noise is significantly exceeded (5dB or more above background)

Exceedance of background noise up to 5db would not represent an unacceptable noise impact as defined by the NOAEL of the NPPG England guidance:

"Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life."

However, 5db (and over) above background noise could be considered to be unacceptable. In the unlikely event that this occurred, condition 14 would

require the use to cease immediately and thereby protect the amenity of residential properties nearby the site.

It is therefore concluded that subject to conditions, the proposed development would not give rise to any amenity issues and would therefore comply with policy SP55 on Pollution Control matters.

### Design considerations

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.

Paragraph 131 of the NPPF 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."

The immediate area is of a general poor quality in terms of design and layout with a mixture of open storage and ancillary buildings. The compound, new battery storage units and associated infrastructure are by their nature utilitarian in appearance and fit for purpose. They also only have a limited lifespan and will need to be replaced at a future date as technology improves and the battery lose charge. With this in mind the utilitarian design is considered acceptable.

The compound will be largely screened by the existing landscape bund and acoustic fence. The landscape bund will be retained as part of this scheme and condition has been attached to ensure that the bund is retained and improved where necessary.

### Highways

Paragraph 115 of the NPPF states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe.”

SP56 ‘Car Parking Layout’ states that layouts should be designed to: “discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway”

The proposed use will not require any staff to be on site during operation, with only occasional visits required to ensure the site is working properly and secure etc. The site has also previously been used as a back up gas fired power station, already has the compound in place, including fencing, acoustic fencing and the a landscaped bund. As such any construction traffic will be limited and mainly involve the delivery of the large battery storage units.

The Council Highway Officer has been provided with additional information regarding vehicular movements and is happy that batteries can be delivered safely.

### Air Quality

NPPF states at paragraph 112 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy CS30 ‘Low Carbon & Renewable Energy Generation’ states: “Development must seek to reduce carbon dioxide emissions thorough the inclusion of mitigation measures...” In addition, regard will be had to the guidance contained within Council’s adopted SPD ‘Air Quality and Emissions’.

The proposed development involves battery storage only which involve no emissions on site and as such there will be no air quality issues associated with the site. The site will not involve day to day staff being on site, with only occasional visits. As the proposal involves only two parking spaces, on site electric charging points are not required, however it is noted that there are fast public chargers located nearby on Chesterfield Road.

### Land Contamination

Policy CS27 ‘Community Health and Safety’ states, in part, that: “Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises, remedial measures will be taken to address existing problems of land contamination, land stability or air quality.”

Policy SP52 ‘Pollution Control’ states that: “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. When determining planning applications, particular consideration will be given to:

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”

Policy SP54 ‘Contaminated and Unstable Land’ states that: “Where land is known to be or suspected of being contaminated, or development may result in the release of contaminants from adjoining land, or there are adverse ground conditions caused by unstable land, development proposals should:

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any water course or ground water;
- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”

A review of historical maps suggest that the site and surrounding land have been subject to previous and probably unrecorded potentially contaminated land uses. Such land uses have included quarrying, a brickworks/clay pit, an opencast works, a landfill and a colliery.

As part of this planning application, no supporting information has been provided by the applicant regarding past land uses, recent site investigation works and any formerly identified potential geotechnical/geo-environmental

identified constraints that may affect plans for the proposed redevelopment of the site.

Therefore, and as part of this review, information provided under planning application RB2019/0030 has been utilised to provide a baseline understanding of the site and its ground conditions.

During 2018/2019, intrusive site investigations were conducted to assess geotechnical and geo-environmental conditions, land stability, and potential soil and groundwater contamination. The investigation included excavation of trial pits, installation of boreholes, and soil sampling. The chemical analysis indicated low contamination levels, posing minimal risk to the proposed development. Made ground was prevalent, containing various demolition materials, but less biodegradable than typical household waste, reducing the likelihood of significant landfill gas production.

Despite some concrete obstructions and voided ground, which may represent development constraints, it is advised to remove and replace such materials with well-compacted granular hardcore. Further supplementary trial pits are recommended before construction. Evidence of potential coal workings at depths of 17-25m suggests a possible risk to surface stability, necessitating a remedial scheme and drilling and grouting to the base of the High Hazels Seam. These actions should align with The Coal Authority standards.

For the new infrastructure, particularly the 12 battery units, additional site investigations are essential. Ground gas monitoring revealed elevated carbon dioxide but negligible flow rates, classifying the site as a gas characteristic situation 2, requiring gas protection measures. Asbestos fibers were also found, indicating a need for adherence to HSE regulations during future works. While past investigations show no gross contamination, further assessment of land stability and contamination, including ground gas, is crucial, along with potential ground improvement works.

#### Fire Safety and Potential Water Contamination

To prevent the spreading of a fire between the containers, known as thermal runaway, separation is needed particularly due to their narrow safe temperature range. It is standard on these kind of projects nationally for units to be sited close to each other. In this regard, the FM Global guidance (Battery best practice guidance) was recently updated in July 2023 and as per the updated guidance, BESS consisting of "LFP cell type must be a minimum distance of 1.5 m apart". The separation distance between the containers for the proposed development is a minimum of 2.5m. This is significantly greater than required by the guidance. Furthermore, the BESS units are compliant with UL9540A and the separation distance also meets the manufacturers standard.

The applicant has also agreed to provide a secondary access in line with the National Fire Chiefs Council guidance. This will ensure a separate approach is available in the event of fire depending of wind direction. The submission

has been accompanied by a detailed Fire Strategy which the South Yorkshire Fire Service has deemed acceptable and is conditional to any approval.

Such a facility is not classed as a hazardous site by the Health and Safety Executive and it is set with an industrial allocation suitable for equipment or storage that may pose a potential fire risk.

Turning to the use of water in the event of a fire, any fire that can not be contained by the on site safety systems may require a significant amount of water to extinguish. Such water may then be contaminated with Lithium creating a potential risk to groundwater. As such a condition has been attached requiring details of the route of fire flood water is submitted prior to the site becoming operational.

### Other Issues

A number of objectors has raised concerns that the applicant's own site selection criteria recommends that the new sites are not within 200m of a residential property. This is not a Planning criteria and as such the application determination has been based upon the merits of the application and its impact upon neighbouring amenity.

### **Conclusion**

It is considered that the proposed battery storage facility is acceptable in this location and subject to the relevant conditions will not be harmful to neighbouring amenity, highway safety, public safety or visual amenity.

Furthermore, the proposal will support the move towards Net Zero and provide a significant reduction in carbon emissions over the lifetime of its operation.

### **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 **07,18,20 & 21** 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 **07,18, 20 & 21** 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.'

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 location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans

(Amended Plans CHES-PP-003 Rev F) (Received 14/02/2024)  
(Amended Plans CHES-PP-004 Rev E) (Received 14/02/2024)  
(Battery Container CEL-STD-BATT-RSU-375) (Received 27/09/2024)  
(Inverter Container CEL-STD-BATT-INV-380) (Received 27/09/2024)  
(Amenity Cabin Office CEL-STD-AC-510) (Received 27/09/2024)  
(WC Amenity Cabin CEL-STD-AC-500) (Received 27/09/2024)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing nos.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity

04

The development shall be undertaken and operated in accordance with the submitted Conrad Energy BESS Fire Strategy.

Reason

In the Interest of fire safety

05

Prior to the development being brought into use details of a fire water management plan shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be undertaken prior to the development coming on line.

Reason

To prevent ground water contamination in the event of a fire.

Highways

06

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

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

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

Reason

In the interest of sustainable drainage.

07

Prior to the commencement of works a Construction Traffic Management 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; Vehicle routing / storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

To ensure the construction phase does not result in any highway safety concerns.

Landscaping

08

Prior to the development being brought online, a revised landscape scheme for the existing landscape bund shall be submitted for approval by the Local Planning Authority. This shall include:

- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

09

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

Reason

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

Noise

10

Only those specific items of noise generating plant set out in Table 5 of the Inacoustic Noise Impact Assessment (Project No: 23-143, Version 3, Dated 6th December 2023) shall be installed at the site.

Reason

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

11

All items of items of noise generating plant shall be orientated as described in the Inacoustic Noise Impact Assessment (Project No: 23-143, Version 3, Dated 6th December 2023), with particular reference to the position of noise sources cooling systems and inverters as detailed in Figures 4 and 5.

Reason

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

12

The Sound Power Level (LWA) of each item of noise generating plant shall not exceed those set out in Table 5 of the Inacoustic Noise Impact Assessment (Project No: 23-143, Version 3, Dated 6th December 2023).

Reason

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

13

The rating noise level due to the combined noise emissions of all items of fixed or mobile plant and equipment installed or in use at the site shall not exceed the representative background noise level as assessed in accordance

with the methodology and principles set out in BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound.

**Reason**

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

14

Where a verified complaint is received by Rotherham Metropolitan Borough Council that suggests that the above criteria are not being met, the operator of the site shall complete an assessment in accordance with the methodology and principles set out in BS 4142:2014+A1:2019, to demonstrate that the above condition is being complied with at all times. The assessment shall be completed by a competent person agreed in writing with the Local Planning Authority in advance of the assessment.

**Reason**

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

15

If it is identified by the Local Planning Authority that the rating noise level due to the combined noise emissions of all items of fixed or mobile plant and equipment installed or in use at the site are 5dB or more over the representative background noise level (as assessed in accordance with the methodology and principles set out in BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound), the operator shall cease all operations on site until the Local Planning Authority is satisfied that all works identified as necessary have been undertaken to ensure compliance with the above condition.

**Reason**

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

16

The combined noise emissions of all items of fixed or mobile plant and equipment installed or in use at the site shall not exceed the noise levels set out in Table 1 below at the façade of any existing dwelling at any time as assessed over a 15-minute averaging period.

**Table 1**

Internal Reverberant Sound Pressure Level, dB(Z)												
10	12.5	16	20	25	31.5	40	50	63	80	100	125	160
92	87	83	74	64	56	49	43	42	40	38	36	34

**Reason**

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

17

The existing landscape bund and acoustic fence shall be retained during the lifetime of the development.

Reason

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

#### Land Contamination

18

Prior to above ground works commencing, a Phase II Intrusive Site Investigation shall be undertaken to assess the geotechnical and geo-environmental constraints at the site complete with ground gas monitoring. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced and will be subject to approval in writing by this Local Planning Authority.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework, December 2023.

19

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework, December 2023.

20

Subject to the findings of item 1 above and prior to above ground works commencing, a Remediation Method Statement shall be provided for the approval of this Local Authority prior to any remediation/ground improvement works commencing on site. The works shall be of such a nature as to render harmless any possible 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 the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework, December 2023.

21

If required and prior to construction, a Detailed Design Report for Gas Mitigation Measures will be provided for review and comment and shall provide details of the identified gas protection measures required, complete with drawings to show how the gas protection measures will fit into the overall infrastructure designs.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework, December 2023.

22

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework, December 2023.

23

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework, December 2023.

24

Following completion of any required remedial/ground preparation works a Verification Report should be forwarded to the Local Authority for review and comment. The Verification Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any

post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

**Reason**

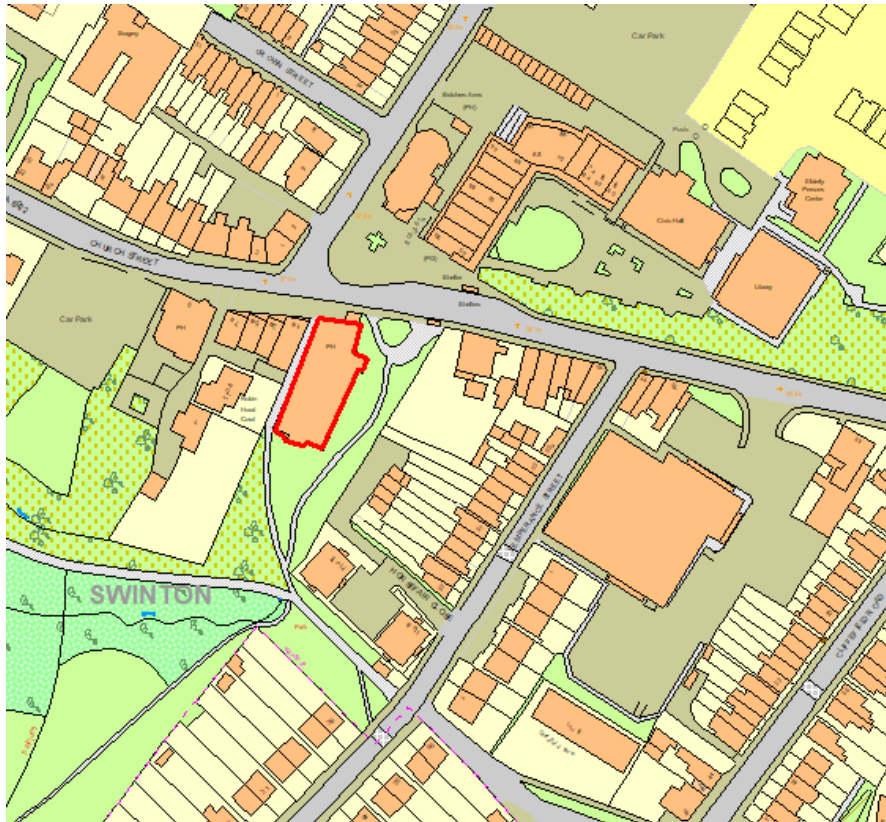
To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework, December 2023.

**POSITIVE AND PROACTIVE STATEMENT**

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2024/0330</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/0330">https://rotherham.planportal.co.uk/?id=RB2024/0330</a>
<b>Proposal and Location</b>	Alterations to roof and construction of additional floor to create 5no. additional flats at second floor, Café Sport 11 Station Street, Swinton
<b>Recommendation</b>	Refuse

This application is being presented to Planning Board due as Right to Speak requests have been received from objectors as well as the applicant.



### Site Description & Location

This application relates to the former sports bar known as Café Sport. The site lies on the southern side of Station Street and lies in close proximity to Swinton Town Centre. The café has been closed for a number of years and is currently subject to some antisocial behaviour.

Directly to the south and east of the site is an area of Public Open Space which forms the northern area of Swinton Park.

The site comprises of a brick and render building that is a high two storey height with a flat roof over part of the site. Internally the building is located over two levels and has limited space to facilitate any future private garden/amenity area.

## **Background**

The site has the following previous relevant planning history:

RB1974/0385 – Conversion of building to 2 shops on front 4 squash courts & supporting facilities – granted

RB1977/0345 – Change of Use cinema to dance hall – granted

RB1978/0343 – Change of Use cinema to indoor skate park – granted

RB1979/1971 – Details of proposed squash courts – granted

Since 1993 the application site has been referred to as Café Sport.

In 2007 and 2014 there were applications for canopy and cladding alterations.

In 2022 a Prior Notification application was submitted and refused under RB2022/0166 on account of being unsuitable for the PN procedure (the Council considered the last known use to be Sui Generis rather than Use Class E where there is a Permitted Change of Use to Residential) as well as the concerns from overlooking/poor outlook to new windows. This was subsequently dismissed on appeal and the Inspector disagreed with the considering it to fall within use class E. The Inspector agreed with the secondary reason for refusal on poor outlooks.

A further PN application was submitted and approved under RB2023/0024 and the physical alterations to the building were considered under application RB2023/0937.

The approved conversion comprised of internal alterations to create 12no. flats, of which there will be 2no 2 bedroom, 8no 1 bedroom and 2no studio flats.

A separate application to make some amendments to the previously approved first floor layout is being considered under RB2024/0341.

A neighbouring property known as Robin Hood Court which lies directly to the west of the site was approved in 2013 (RB2013/0721) and then amended in 2016 (RB2016/1104). It is understood that the property was constructed shortly after.

## **Proposal**

This application seeks full planning permission for external alterations to the building which includes an increase in building height of approximately 2.3m. This alteration creates a second floor over the existing ground and first floor. The proposal also seeks approval for 5 additional units in the newly created second floor level. This comprises of 4no. one bed flats and 1no. two bed flat.

This revised proposal seeks to increase the height of the roof, by removing the existing roof, increasing the sides of the side walls. Initially the proposal sought an increase of 2.7m but this has since been reduced to around 2.3m.

the front section of the building would seek to increase the flat roof by approximately 1m. The slope of the existing roof will be retained and put back on the higher roofline. This would allow for the potential for adding a future second storey within the building.

The building footprint does not increase in size floor space. A number of new windows are proposed along the eastern elevation and southern elevation. Two new first floor windows are proposed along the western elevation, but these will be to bathrooms only and would be obscure glazed.

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

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

The application site is allocated as retail in the Local Plan. The principle of residential development at ground and first floor level has been previously considered under a separate Prior Notification application RB2023/0024.

For the purposes of determining this application the following policies are considered to be of relevance:

SP19 'Development Within Town, District and Local Centres'  
SP21 'Secondary Shopping Frontages'  
SP26 'Sustainable Transport for Development'  
SP41 'Conservation Areas'  
SP55 'Design Principles'

### **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 revised NPPF sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

The Local 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 site notices along with individual neighbour notification letters to adjacent properties.

Approximately 80 representations have been received and can be summarised below:

- Lack of parking will create further congestion.
- The likelihood is that this will be displaced onto nearby streets
- Lack of space for storage of bins
- Potential for overlooking to the surroundings.
- Where would access be for bin collection.
- There are enough flats within the Swinton area.
- This would represent overcrowding
- Lack of outdoor space for future residents
- Re-use of building as an indoor recreation area is preferred.

One representation in support of the application has been received.

In addition two local ward members (and one former member) have also expressed their objections which can be summarised below:

- No parking provided as part of the development
- Existing parking areas in the town centre are regularly full
- Lack of space for domestic waste provision
- High potential for highway disruption
- Dwellings will be of a poor quality for future residents
- This will be detrimental to the town centre and Conroy Brook residential scheme
- It is not reasonable to expect future occupants to not have cars

## **Consultations**

RMBC – Transportation Infrastructure Service – no objections subject to conditions

RMBC – Environmental Health – no objections subject to conditions

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Design and impact on the street scene as well as on the surrounding properties
- Highway safety
- Other issues

#### Principle of development

The application site is allocated as retail in the Local Plan. Local Plan Policy SP19 identifies that C3 (residential uses) will be acceptable within Town, District and Local Centres. The policy supporting text states: “It recognises the role that housing can play in supporting the vitality and viability of centres by supporting residential proposals within centres. Whilst acknowledging that residential uses within centres may be subject to levels of noise and activity not experienced in traditional housing areas...”

The principle of residential development at ground and first floor level has been previously considered under a separate Prior Notification application RB2023/0024. This is a live application until September 2026.

This application considers the principle of an alteration to the roof and overall height of the building and an additional 5no. apartments at the newly created second floor level. There is no loss of a retail unit as a result of this application. This includes new window openings, as well as the increase in height and scale of the building, including the impact on the visual amenity of the street scene as well as the impact on neighbouring buildings, especially those to the west.

The principle of additional residential use at a new second floor level is therefore considered acceptable in policy terms.

#### Design, Impact on the street scene and surrounding properties

Policy SP41 ‘Conservation Areas’ indicates ‘...Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles:

- a. developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham’s Conservation Areas and their settings;
- b. there is a presumption in favour of the preservation of buildings and structures, both listed and unlisted, which make a positive contribution to the special character or appearance of Conservation Areas....’

Policy SP55 'Design Principles' states, in part that: *"the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."*

The NPPF at paragraph 131 states: *"Good design 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.

The site lies within the Swinton Conservation Area, though the current building is not considered to have any significant architectural features and provides a limited contribution to the overall character of the conservation area.

The increase in roof height when viewed from the street scene is not considered to have an overly dominant or detrimental impact on the surrounding Swinton Conservation Area and is considered to be in keeping with other buildings in the area, some of which are of a similar scale, including the Robin Hood Inn which will remain at a higher scale. Furthermore, the pitch of the roof will remain as the original roof and overall the increase is not considered to be significant within the street or the wider Conservation Area.

The windows alterations are considered to be in keeping with the scale of the building and is considered to be in lines with the aims of Local Plan policy SP41 'Conservation Areas' which indicates that developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings, along with preserving existing buildings within the Conservation Area. The re-use of the building is encouraged.

In terms of impact on the nearest residential properties, the concerns raised on an earlier refused Prior Notification application mainly related to overlooking issues, particularly along the western elevation where outlooks are well under 10m to neighbouring boundaries.

Subsequent plans which were approved, removed these. The current proposal does not include windows to habitable rooms within the western elevation. There are two second floor windows, but these will be to bathrooms only and would be obscurely glazed.

The new windows proposed along the southern and eastern elevations have now been amended to that they are a combination of velux and side windows. These windows overlook an area of public greenspace and are not



considered to create any new overlooking issues. Whilst the property does not benefit from any private outlook or amenity area, these windows and are in excess of 20m to the nearest habitable room windows of neighbouring properties.

However, in terms of impact on neighbouring properties from the built form of the roof alteration and increase in roof height, it is the properties to the west that are the most vulnerable from any increase in height of the existing building and roofline. The properties that would be the most affected are the flats at 1a-7a Church Street along with 1-4 Robin Hood Court which face directly onto the building. The proposal has a maximum increase in height to 2.3 metres. The agent has supplied a plan which clearly shows that whilst a 25 degree outlook angle can still be achieved from the upper floor windows of Robin Hood Court, this cannot be achieved at ground floor. In particular the northernmost window (W6) which serves flat no. 4 is unable to achieve a 25 degree outlook over the proposed increase in building height to the east.

The applicant has submitted an additional supporting report (ref Sunlight Assessments v1.1 15th August 2024) which indicates that the additional loss of light to window W6 will be small and concludes that the reduction of light will be less than 5% compared to the existing layout.

The café Sport building is approximately 11m from the ground floor of Robin Hood Court; already slightly below the minimum recommended 12m as defined in the SYRDG. Whilst it is acknowledged that the existing ground floor window W6 does not currently have a full 25 degree outlook, the increase in roof height and eaves level will further increase the potential for additional loss of light/overshadowing. This may be increased during winter months and in early mornings. Taking all the above factors into account, whilst it is acknowledged that the additional loss of light might be limited, this will still further reduce light levels to Robin Hoods Court which currently experiences restricted light levels due to the lower ground levels and massing of the gable side of café sport. The additional supporting evidence is not considered to be able to overcome the impact of this additional overshadowing.

Overall the increase in roof height is therefore considered to materially increase levels of overshadowing and dominance to the outlooks of existing ground floor windows to the northernmost property at no. 4 Robin Hood Court. The proposal is considered to conflict with the general guidance of the NPPF at paragraph 131 along with Local Plan Policy SP55 'Design Principles'.

#### Highway safety

A number of the objections indicate highway safety concerns and in particular the lack of parking available. The existing building has no parking associated with it and it lies within a town centre location which is well served by public transport including bus and rail links and is also close to a free public car park. There are numerous local shops and a junior school close by and as such, the location is considered sustainable.

In accordance with the Councils parking standards, cycle provision should be made within the development, accounting for 1 long stay locker per flat. This being the case, the Transportation Unit have confirmed that there are no objection to the granting of planning permission in a highways context.

### Other issues

A large number of concerns by objectors have raised the issue of bin storage. In this instance it is noted that the ground floor area has an area available for bin storage. In addition all apartments have at least 1 no separate storage room available for both storage of bicycles as well as bins and other equipment. It is considered that these should be conditioned to be retained in perpetuity to reduce the potential for waste nuisance occurring outside of the building.

Whilst the properties do not benefit from individual amenity space, it is noted that the site is both in a sustainable location in close proximity of Swinton Town Centre, as well as being adjacent to a significant area of green space which forms the northern end of Horsefair Park.

### **Conclusion**

Overall whilst there are no objections to the principle of the increase in the height of roof from a general design perspective, the increase in height of the building is considered to result in an unacceptable level of overshadowing to the ground floor windows of the neighbouring development to the west at Robin Hood Court. For this reason the application cannot be supported and is recommended for refusal.

### **Reasons for refusal**

01

The proposed increase in the roof height of both the central apex along with the eaves level is considered to materially increase levels of overshadowing and dominance to the outlooks of existing ground floor windows to the adjacent property to the west at no. 4 Robin Hood Court. This further restricts existing light to the outlook of windows (in particular W6) and is considered to conflict with the general guidance of the NPPF at paragraph 131 along with Local Plan Policy SP55 'Design Principles'.

### Informative

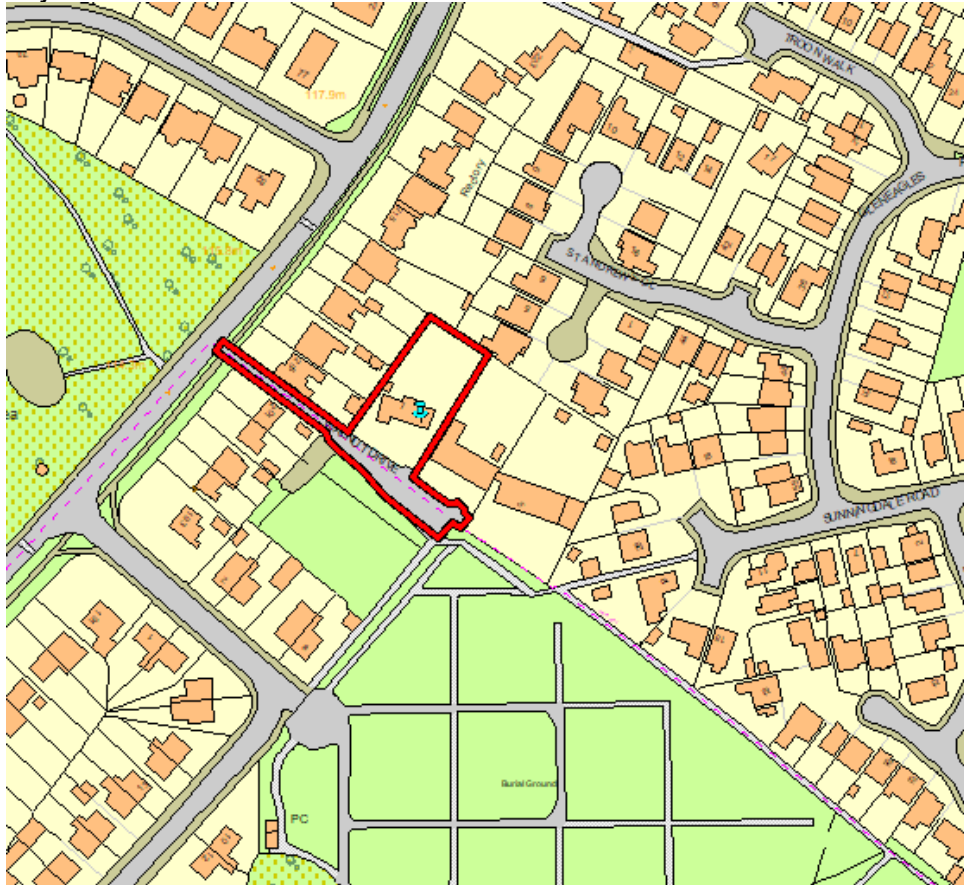
The applicant is reminded that only the creation of the new second floor element of the application including external changes to the alterations to the roof and new windows have been considered on this application. The earlier Prior Notification application RB2023/0024 (and has been subsequently updated under RB2024/0341) considered the principle of the ground and first floor residential conversion and is live until September 2026.

**Positive and Proactive Statement**

Whilst the applicant entered into informal pre application discussions with the Local Planning Authority these identified that it is not possible to support a scheme of this nature and whilst additional supporting evidence was submitted, these clarifications were still insufficient to make the scheme acceptable. The application was submitted on the basis of these discussions and it was not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.

<b>Application Number</b>	<b>RB2024/0799</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/0799">https://rotherham.planportal.co.uk/?id=RB2024/0799</a>
<b>Proposal and Location</b>	Change of use from C3 dwellinghouse to C2 residential institution at 1 Walnut Drive, Dinnington. S25 2SG
<b>Recommendation</b>	Granted conditionally

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



### Site Description & Location

The site comprises of a detached single storey property at 1 Walnut Drive which lies approximately 400m to the south of Dinnington Town Centre. The nearest adopted road is Nursery Road, the B6060 which lies approximately 50m to the north west of the site. The majority of the surrounding properties on Nursery Road have direct vehicular accesses onto the adopted highway, though some properties also have secondary rear access to their properties via Walnut Drive.

The property is a detached single storey dwelling constructed in brick. The property is set back from the cul-de-sac. Access is from Walnut Drive which is a single track unadopted private drive which serves 3no. properties as well as providing an informal access to a turning area to the rear of properties 197-201 Nursery Road.

The property currently has 4 bedrooms as well as 2 bathrooms, a large living room and a kitchen, both with doors leading into the substantial rear garden.

Walnut Drive has a wide section of hardstanding with turning space. There is an existing access and egress arrangement to the highway and driveway within the property curtilage and side garage.

Residential properties lie directly adjacent to the property and opposite. The surrounding area is predominantly residential. To the south east of the site is Dinnington Cemetery.

## **Background**

There have been no previous applications relating to the property since this property and those in the immediate surroundings were constructed in the early 1960s.

## **Proposal**

This application proposes a change of use of the property to a children's residential care home for a maximum of two children.

No external changes or extensions to the property are being proposed. No internal changes are being proposed (other than minor cosmetic changes to some door openings) and this would not need permission.

The application site is wholly located within Flood Zone 1 (lowest risk).

The supporting document accompanying the application states can be summarised below:

- Children will range in age from 8 to 18 years.
- The internal arrangement of the property allows for 2 young people to safely reside with 2 care staff during the day, and 2 members of staff at any time.
- The proposal provides 4 car parking spaces within the site frontage. There is sufficient room for turning within the site to allow for vehicles to safely enter and exit in a forward gear.
- Access from Nursery Road onto Walnut Drive is to be widened to prevent any vehicle from having to wait in the highway or reverse back into the highway.
- The home will consist of 1 x Manager, 1 x Deputy Manager, 6 x Practitioners.
- The manager or deputy will be at the home 9am-5pm Monday to Friday when most people are out at work. On an average day at full occupancy there will be 2no. staff in the morning and 2no. staff in the evening, and either the Deputy or Residential Homes Manager on site during the day. The manager / deputy will park away from the site so that only carers will access the site in vehicles.

- Social workers have statutory visits every 6 weeks to the home and the Operational Manager will visit approximately once/twice a month. These and any other visitors will be asked to park at Dinnington Resource Centre, 131 Laughton Rd, Dinnington, Sheffield S25 2PP, which is a walk away of 13 minutes. A welcome book and guide will be created and shared electronically with visitors, so they are aware of how to get to the home.
- The application site has specifically been chosen to allow children to continue to live within their own local communities, close to their families, within a residential area to provide a safe and stable environment. It is an ideal property for a home for young people as the dwellinghouse is relatively small and will replicate a stable and happy family home, where children can receive therapeutic care and support to develop their potential. It is set within a spacious plot and only very minimal changes would be required for the development to proceed.
- The existing property can comfortably be occupied by a family of 5. By comparison, the proposed development seeks to establish a children's home for up to 2 children only, with 2 no. full time carers. Therefore, there would be no notable intensification of use on the site.
- There are no external amendments proposed to the property and therefore the physical relationship of the building to surrounding properties would remain as existing. As a result the proposed change of use would raise no issues in terms of loss in daylight/sunlight or loss of privacy to neighbours.
- All fences would be repaired as part of the proposal to ensure that the garden is safe and secure, and neighbourly relationships are maintained.

The proposal forms part of a Council strategy to provide in house care for Children within Rotherham, the strategy has been outlined by Children and Young People Service as follows:

*Our in-house residential programme is currently in phase 3 and 4 following Cabinet approval in February 2020. Benefits of the programme as included within the original cabinet paper are listed below:*

- *Ensure more children and young people are placed in Rotherham close to their communities, families, friends and schools.*
- *Deliver improved outcomes for looked after children.*
- *Develop a service model that encourages step-down to family-based placements.*
- *Provide a local response to the increasing demand for a range of residential placements.*
- *Provide greater flexibility and control of provision.*
- *Reduce placement costs and support the delivery of directorate savings.*

*Properties are identified according to a service requirement. Our ambition is that all young people have an opportunity to live in a family-based placement.*

*Phase 3 and 4 of our programme is focusing on the development of 2 bed children's homes.*

*The typical service specification for our children's homes is detached 4 bed properties which would be suitable as children's homes for 2 young people to replicate a family setting of 2 adults and 2 children. Homes are to be of a sufficient size with outdoor space, not to be overlooked by neighbours and with suitable parking for staff who work in the homes. Homes must also be suitable to be adapted to meet any formal Ofsted registration requirements.*

*As part of the due diligence process when seeking approval to offer it is based on the completion of the home's location risk assessments, this includes liaison with the Police and intelligence from partner agencies. We also take into consideration the access to local schools, which potentially our young people could attend.*

*Young people are matched to the provision in a thoughtful and careful manner, this supports the smooth running of the home and supports young people to become part of the local community where they can flourish.*

*How this relates to the values of the council.*

*Development of in-house residential provision aligns to the Council theme as listed in the Council Plan:*

- *Every Child to be Able to Fulfil their Full Potential*

*Updates on the programme are included in the Year Ahead Delivery Plan forming a key part of the CYPS Transformation Programme.*

*The programme also aligns to the CYPS vision of:*

- *We work with Rotherham's children, young people and families to be resilient, successful and safe.*

*The underpinning principle of Rotherham's approach is that every child has the right to a family life. Where this is not possible the Council will seek to ensure that a child lives with a supportive and nurturing family.*

*In the event that living in a family home is not an option, the Council will make every effort to ensure that a child lives in a children's residential home that replicates family life as closely as possible. Once in care, every effort is made to either plan for the safe return of children to their families or have a permanent alternative family as soon as possible. As a council we endeavour to be aspirational your young people and provide them with the care and nurturing environment to support their needs, and where they can thrive.*

*The Council's standard is that our children and young people should only be placed in 'good' or 'outstanding' Ofsted rated placements.*

*How what we do benefits the community.*

*As part of our programme regular communication takes place with neighbours and the local community, this starts once an acquisition is in process and then continues once homes are open and operationalised.*

*Community engagement is led by the Operations Manager for Residential Services initially with this continued by the Registered Manager for the provision. At all stages we seek to engage regularly with neighbours to address any concerns and seek a positive relationship with the ambition that our Children's Homes operate as normal family dwellings. Our aim is for each home to form strong links within the neighbourhoods to ensure that young people are part of the local community.*

*How provisions are monitored and overseen through Ofsted regulations.*

*The Children's home will be inspected once a year by Ofsted. The Care Standards Act 2000 sets out Ofsted's powers to regulate, inspect and enforce compliance with the Act and relevant regulations. When inspecting children's homes, Ofsted considers the knowledge and understanding gained from previous inspections, and:*

*The Care Standards Act 2000*

*The Children's Homes (England) Regulations 2015*

*The Guide to the children's homes regulations, including the quality standards*

*Furthermore under regulation 44 of the Children's Homes Regulation 2015 an independent visitor inspects the property on a monthly basis collating a report with recommendations for improvements this is sent to the homes manager and Ofsted and forms the basis of continued development.*

The Transport Statement (and addendum) can be summarised as follows:

- The local highway network is extensive and does not suffer from high levels of traffic congestion.
- There are no existing highway safety issues.
- The nearest bus stops are located along Nursery Road, approximately 150m from the proposed development. Each bus stop consists of a shelter with seating provision and timetable information, and are served by the 19A, 216, 619 and X5 services.
- The nearest train station is located approximately 4.0km from the site. Kiveton Park railway station is managed by northern and features a number of facilities.
- As part of the proposals the access point onto Walnut Drive from Nursery Road will benefit from widening of the access and additional dropped kerbing.
- The purpose for the widening will be to allow a vehicle exiting B6060 Nursery Road to enter Walnut Drive and wait safely off the B6060 Nursery Road and be able to give way to traffic exiting Walnut Drive whilst waiting safely off the highway.



- The transportation statement has demonstrated that the level of traffic associated with the change of use if vehicle access is restricted to carers only will not intensify vehicle traffic along Walnut Drive.
- Traffic flows along Walnut Drive are very low and the risk of two vehicles trying to enter / exit at the same time is low. However, if a car is exiting along Walnut Drive at the same time one enters from Nursery Road the improvements will enable two cars to pass without the need of a car reversing back into Nursery Road.
- Staggering of shift patterns appropriately would also ensure that staff do not arrive and leave during peak hour periods.
- Typically, either the manager or deputy manager will be at the home on weekdays. Social workers will have statutory visits every 6 weeks, which will be scheduled outside of the peak travel periods and staff changeover times in order to minimise any impact. These staff will park at Dinnington Resource Centre and walk to the site, which is a 13 minute walk.
- In total, on average there would be a maximum of 2 staff vehicles entering and exiting the site throughout the day (four two-way journeys).

The agent has also confirmed that staff/practitioners would use their own vehicles to transport the young people to activities.

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

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

The application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):  
 SP11 Development in Residential Areas  
 SP52 Pollution Control  
 SP56 'Car Parking Layout'

### **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 revised NPPF came into effect in December 2023. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating that "Planning law requires that applications for planning permission be

determined in accordance with the development plan, unless material considerations indicate otherwise” and that it is “a material consideration in planning decisions”.

The Local 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 neighbour notification letters to adjacent properties along with a site notice close to the junction Walnut Drive/Nursery Road. A total of 17 representations have been received, and the comments are summarised below –

- Inappropriate form of development in a quiet residential area.
- Should remain as a dwellinghouse. There are not enough family homes in the area.
- The access to the site is very poor and badly maintained with an uneven surface and numerous potholes.
- Walnut Drive is insufficiently wide to accommodate vehicles and pedestrians at the same time.
- There is no street lighting on Walnut Drive.
- Emergency vehicles currently have problems accessing the site.
- The driveway has poor visibility at the junction with Nursery Road
- The large garden area will be a future maintenance issue.
- The fish pond will be a hazard for children
- Other issues, such as drug use which already occurs along Walnut Drive. The change of use is likely to lead to further unwanted activity.
- These issues would further indicate that this would be an unsuitable area for vulnerable children.
- Concern about the impact of physical and mental health of existing elderly residents due to worries about individuals housed within the proposed site.
- Devaluation of property prices is likely with the proposed development.
- Concern raised that dogs are allowed to roam in neighbouring properties and there is the possibility of people being bitten.
- Scepticism that visitors will not park at the Dinnington Resource Centre but instead use the overspill areas outside the property.
- Concerns raised at the financial viability and use of taxpayers money for this scheme.

A total of 3 Right to Speak requests have been received, including the applicant/agent.

## **Consultations**

Transportation and Highway Design – on balance no objections raised, subject to improvements to the access and Travel Plan conditions controlling the staff and visitors who can access the site.

Environmental Health – 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 main considerations are:

- Principle of the Development
- Parking, access and highway safety
- Impact on Residential Amenity
- Other Matters Raised by Local Residents

### Principle of the Development

The proposed use would fall within class C2 'Residential Institutions' (use for the provision of residential accommodation and care to people in need of care). In this instance a change of use to Use Class C2 occurs as children cannot form a household on their own and live independently without adult supervision.

The site is allocated for Residential Use within the Local Plan and Local Plan policy SP11 'Development in residential Areas' states "Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies." As such, the proposed development would be acceptable in principle.

### Parking, vehicular and pedestrian access to the site and highway safety

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

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

The application indicates that 4 car parking spaces can be provided within the site frontage without any changes to the existing layout. This is considered to be in accordance with the current parking standards.

A number of objections have been received on the grounds of lack of parking and highway safety issues, including the lack of lighting, single access track with limited places for vehicles to pass and rough surfacing of the driveway.

A Transport Addendum and revised site plan has now provided further plans demonstrating how vehicles coming together on the private drive could pass at the access with Nursery Road without a vehicle reversing back into the B classified highway.

The Transport Service originally raised some concerns that the proposed use would result in an intensification of activity at the site. An addendum now addresses this and proposes that the only vehicles to access the site will be the care practitioners (2 carers on site at all times on a 2 shift pattern). The manager / deputy and all other staff / visitors will park off site at a location under the control of the applicant (the Council) and will walk to the site (approximately a 13 minute walk). This will be controlled through a condition and a Travel Plan securing enforcement of this arrangement. The car parking will be an alternative Council controlled location which would not result in additional on street car parking.

It should also be noted that whilst Walnut Drive is approximately 3.7m in width it only has a surfaced (albeit poor) width of 2.6 to 2.8m which would make it difficult for a car and pedestrian to pass. However, the private drive is straight and has good inter-visibility in daylight hours. The Highway Officer also notes that there is no street lighting along the private drive and during the winter months both children and staff (other than the care practitioners) will be required to walk in the dark along the poorly surfaced private drive. The Transportation Unit would recommend that improvements be made to the shared private drive which should include pedestrian passing places, and a level surface. A condition is recommended to secure improvements to the surfacing of the existing private driveway to create a level surface and pedestrian passing places and in addition improvements to the lighting situation. It is considered that subject to these works the driveway would be an appropriate access and there would not be a severe impact in terms of highway safety.

Overall therefore, subject to conditions, there are no objections to the application on highway safety grounds.

This would require conditions to be imposed on the development which can be summarised as follows:

- Improvements to create a passing place at the junction of Walnut Drive and Nursery Road
- New surfacing to the access drive and pedestrian passing place

- A condition restricting vehicle access other than by the care practitioners as part of a wider Travel Plan.

It is considered that the Travel Plan can be satisfactorily safeguarded by a planning condition. In this case as the applicant is the Council and the parking area identified is the Dinnington Resources Centre, the Council has control over this land and will have the ability to enforce this condition, should the need arise.

Overall therefore and subject to the above it is considered that the proposal does meet the requirements of SP56 'Car Parking Layout' of the Local Plan.

#### Impact on residential amenity

The proposal is for the use of the dwelling as a children's care home for up to two children only. Two staff will be present at any one time and during handovers up to a maximum of four (including the manager/deputy manager).

In regard the potential impact on existing residents in the area and safeguarding, the proposal would result in the change of use of the property from a residential dwelling to a children's home for 2 children with 24-hour care, which will be registered by Ofsted.

Both the applicant and Ofsted recognise that the property with the extension is not of a sufficient size to support more than 2 children. Each child will have a bedroom and the additional bedrooms are for an office and staff bedroom will be provided.

The property would be accessed by the occupants, members of staff and other support workers such as social workers. These comings and goings and associated vehicle movements may increase the level of overall activity, although it is not considered to be significantly different from how the property would have been used as a dwellinghouse with a family occupying it. The level of additional noise and disturbance that may be expected is not considered to be of a scale that would conflict with policies SP11 'Development in residential Areas' or SP52 'Pollution Control'.

The property is detached and has reasonable separation distances to surrounding properties. There is a good size garden area to the rear which is approximately 25m in length and adjoins a total of six other neighbours.

The home will be registered with Ofsted for up to 2 children. The home will not be able to exceed this number without notifying Ofsted and changing the registration. Two bedrooms will be for children, the third bedroom will be retained with the fourth bedroom for office use. The level of children proposed to be cared for at the property will be 2 which is consistent with a family occupying the property and it is not considered that there would be an unacceptable level of disturbance resulting from the level of occupation/number of children.

The applicant has indicated that the changeover time for staff would be at 5pm, so it is not considered that the increase in activity at the property would give rise to an increased level of noise and disturbance during unsociable hours. Whilst it may slightly increase during daytime hours, it is considered that the level of noise associated with increased vehicular movements would not lead to a significant impact on the residential amenity of existing nearby residents.

Objections have been received from local residents raising concerns about noise and disturbance from the care home, as well as the suitability of the location.

The two children accommodated within the property will be supervised on a 24 hour basis and as such, it is not considered that this issue would create any significant impact on the residential amenity of existing residents or the wider community as a whole. In this respect the proposal would be considered to have a character akin to that of a residential dwelling, and as such is considered acceptable in a residential area. Therefore due to the nature of the proposal it is considered to be residential in character, which is appropriate in this residential area.

Additionally, the Council's Environmental Health department have been consulted and have not raised any objections to the proposal from a residential amenity perspective.

The internal and external layout will remain unchanged to the existing layout. As such it is not considered that there would be any overlooking issues raised to neighbouring properties.

#### Other Matters Raised by Local Residents

Several of the objections also refer to the housing of with vulnerable children being unsuitable in this area.

The applicant indicates that children and young people in residential care are supported by staff that are highly skilled, supported by regular supervision who have bespoke training to support the individual needs of the children they care for. Taking into account all children accommodated at the property will be supervised on a 24-hour basis it is not considered that this would create any significant impacts on the residential amenity of existing residents in the area or crime rates in the area.

All staff members undergo thorough training on safeguarding procedures, child protection policies, and relevant legislation. This training ensures that staff are equipped to recognise signs of abuse or neglect and know how to respond appropriately.

The applicant has indicated that it is often found and in all RMBC residential children's home that the presence is unknown to anyone outside the neighbours that

have been made aware via a planning notice.

Increased overlooking and loss of privacy has also been raised by residents. Although it is acknowledged that there would be the potential for an increase in the number of visitors to the property, there are no external or internal changes proposed to the layout and it is not considered that there would be any material increase in overlooking.

Devaluation of properties and the potential for negative equity has been raised. However, this is not an issue that can be afforded any material planning weight in the determination of a planning application.

## **Conclusion**

In conclusion, taking into account the property is a detached dwelling, together with the nature and intensity of the proposed use, it is considered that any noise and activity associated with the proposed use would be akin to the occupation of the residential dwelling as a C3 use and as such the amenity impact on neighbouring residents would be minimal. Furthermore, the presence of two carers at any one time will ensure that the children and young people in care are suitably supervised, which will also help with reducing any impact on the amenity of neighbours.

There are no internal or external changes to the internal and external of the property and no increase in overlooking issues.

Having regard to the above it is considered that the proposed change of use is acceptable, and it is recommended that planning permission be granted.

## **Conditions**

01

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

Reason

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

02

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

Location Plan BS100, Block Plan BS101, Existing Ground Floor Plan BS102, Existing First Floor Plan BS103, Existing and Proposed Site Plan BS104, Proposed Ground Floor Plan BS105, Proposed First Plan BS106, received 04/06/24.

Reason

To define the permission and for the avoidance of doubt.

03

The premises shall be used as a residential care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to 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 the Class quoted for amenity and highway reasons.

04

The number of children cared for at the site shall be limited to a maximum of 2 at any one time.

Reason

In accordance with the details submitted with the application and for the avoidance of doubt.

05

Prior to the commencement of the development a scheme shall be submitted to and approved by the Council for the widening / improvements at the junction of Walnut Drive and Nursery Road. The approved scheme shall be implemented prior to the change of use coming into use.

Reason

In the interest of road safety.

06

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

07

Before the development is brought into use the car parking area shown on Drg No 210971-02 Rev A 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.

08

Before the development is brought into use a scheme of improvement works to provide a level surface along the length of Walnut Drive, pedestrian passing places to allow a pedestrian refuge from vehicles and improved lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed before the use is commenced.

Reason

In the interest of pedestrian safety on Walnut Drive.

09

There shall be no access to the property by visiting members of support staff or associated clinicians/professionals or Manager/Deputy Manager other than the care staff employed to care for the children at the property. All other staff and visitors shall park in accordance with the submitted Travel Plan (or a later approved Travel Plan).

Reason

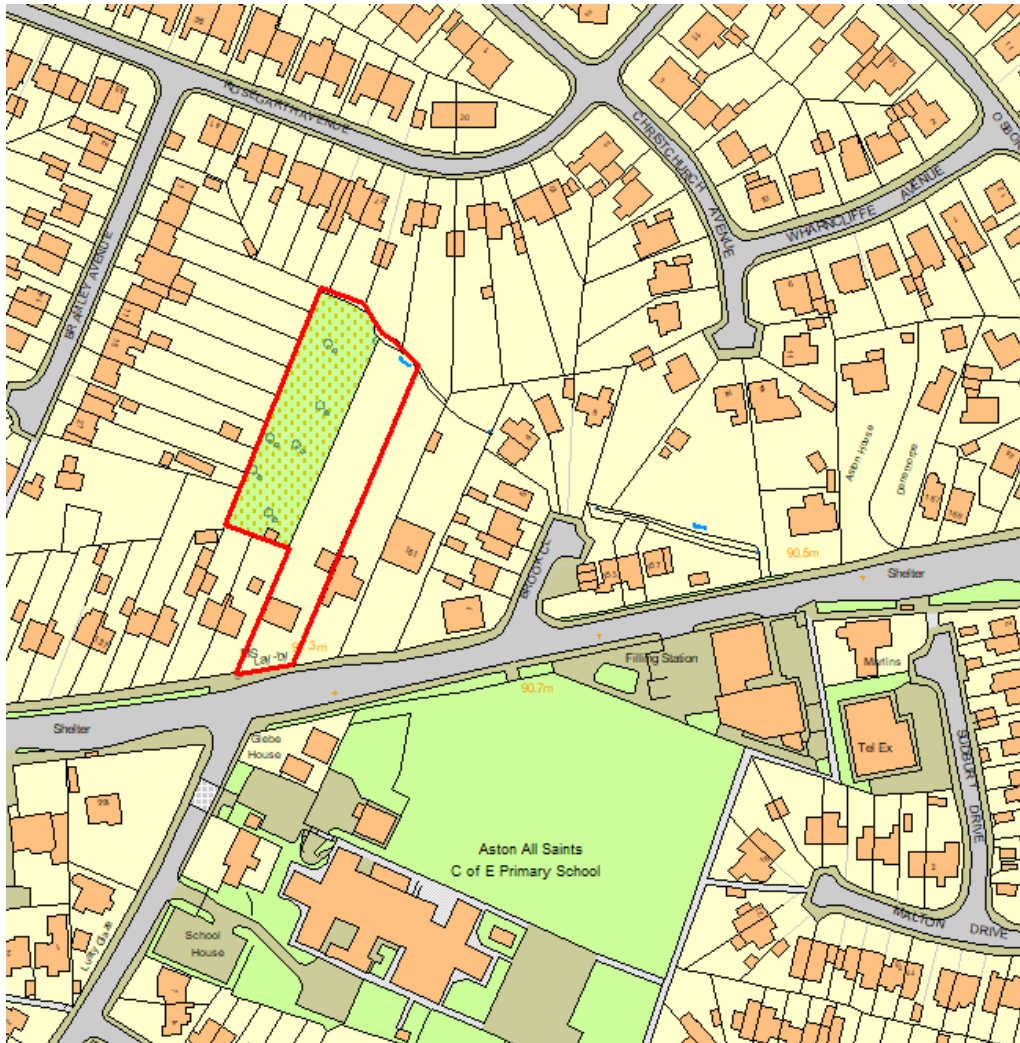
In the interest of highway safety.

## **POSITIVE AND PROACTIVE STATEMENT**

Whilst the applicant did not enter into any formal pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and following the clarifications and submission of an additional supporting statement and documents and did not require any further alterations or modification.

<b>Application Number</b>	RB2024/0879 <a href="https://rotherham.planportal.co.uk/?id=RB2024/0879">https://rotherham.planportal.co.uk/?id=RB2024/0879</a>
<b>Proposal and Location</b>	Outline application for the erection of up to 4 dwellinghouses including details of access at land rear of 147 Worksoop Road, Swallownest
<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 approximately 0.32ha.

The site comprises of an existing two-storey detached dwelling and detached garage. The site is accessed off Worksoop Road. The site expands along the rear of two properties on Worksoop Road to the west and then northwards.

The site is surrounded by residential properties on all sides. Properties on Worksoop Road are to the either side, there are properties on Bramley Avenue to the west and Rosegarth Avenue to the north.

The site to the rear is grassed / scrub land with trees around the perimeter of the site, with evidence of recent tree felling.

The site is in close proximity to facilities and amenities, with shops, places of worship, schools and doctors within close walking distance of the site.

There is a bus stop and bus layby to the front of the site.

To the front of the site between the boundary of the application site and no. 145 Worksop Road is a Grade II listed milestone.

## **Background**

There have been several applications relating to the site the most recent of which is:

RB2021/1209 – Demolition of existing porch and garage, erection of two-storey and single-storey rear extension with raised patio area and new front porch – Granted Conditionally – 27<sup>th</sup> January 2022.

### Community Infrastructure Levy

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 outline permission with all matters except for access being reserved for the retention of the existing dwelling (no. 147 Worksop Road) and the erection of up to 4 dwellings.

The existing access off Worksop Road is proposed to be modified to become a private drive. The access will be at 75 degrees to Worksop Road, and it will be 5.5 metres wide for the first 10 metres of the private drive before reducing to 5 metres in width.

To facilitate the access the existing attached and detached garages on site will be demolished and replacement parking for no. 147 Worksop Road is proposed to be provided to the rear of the property.

An indicative layout plan has been provided to demonstrate how 4 dwellings could potentially be accommodated on site.

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

### Planning Statement

The statement provides details of the site, its surroundings, the proposals and a policy context in relation to the development proposed.

### Preliminary Ecological Appraisal Report (PEAR)

The PEAR includes a desk study and an 'Extended' Phase 1 Habitat Survey.

The PEAR provides an initial assessment of the ecological baseline of the site and establishes whether the site is likely to be constrained by ecology, and whether more information is needed to establish an ecological baseline and determine the potential impacts arising from development.

The Biodiversity Net Gain (BNG) Feasibility Assessment provides an assessment of the Site's baseline biodiversity value using the Natural England (NE) Statutory Metric and associated methodologies and recommendations on how the proposed development could achieve 10% BNG. The assessment calculates the baseline value according to habitat data collected as part of the PEA. No detailed masterplan or landscape design is available as landscape is reserved for future consideration.

The report concludes the following:

- Due to the distance to statutorily protected sites and scale of development, the proposals are unlikely to have an adverse effect on any designated sites.
- The majority of the site comprises cleared ground and gardens which are of a limited ecological value and do not represent a constraint to development (notwithstanding the value attributed to it through BNG).
- All existing hedgerows should be retained, protected and enhanced through development where possible. Where loss cannot be avoided this loss should be suitably mitigated through the incorporation of native species rich native hedgerow planting is available landscaping and Site boundaries. Native species rich Hedgerow planting should be incorporated along all site boundaries where feasible.
- The stream should be protected throughout the construction of the development and measures to prevent degradation of this habitat arising as a consequence of construction should be outlined the Site's Construction Environmental Management Plan (CEMP) which can be delivered as a condition of planning.
- The Site is not considered likely to support and protected or notable species or assemblages.
- The project will be required to demonstrate delivery of a minimum 10% net gain in biodiversity under the Environment Act (2021). Given the nature of the Site and the current proposals it may not be possible to achieve 10% BNG within the Site boundary for area habitats. This will require confirmation once detailed landscaping plans are available.

### Arboricultural Impact Assessment and Arboricultural Method Statement

The site does not lie within a Conservation Area and none of the trees on site are subject to a Tree Preservation Order.

There are 22 individual trees, 11 hedges and 2 groups on site, of mostly native species including Hawthorn, Hazel, Poplar, Horse Chestnut, Silver Birch, Ash, and Oak, with some non-native species including Privet, Ornamental Cherry and Lawson Cypress.

The report provides details of the above as well a plan showing the location of the trees.

The report includes a method statement for construction which includes details of protective fencing around the trees and hedgerows to be retained.

To achieve a viable layout, it will require the removal of 6 No Trees, all of which are graded low quality (category C). All other trees will be retained.

The removal of the low quality trees can be mitigated through the planting of 10No. replacement trees of at least Extra Heavy Standard size and planting hedgerows to infill any boundary gaps.

#### Site Access Report

The report aims to confirm that the proposed access would conform with national and local policy and design guidance.

The report provides details of the current access as well as the conditions immediately outside of the site in respect of Worksop Road and the infrastructure contained within it. It also provides details of the proposed access strategy.

The report provides details of Highway Safety and a Personal Injury Accident (PIA) records for the area. Between 2020 and 2022 there has been one accident involving 2 vehicles close to the entrance of the petrol filling station.

The report states that a modified site access could be provided in accordance with the geometric requirements set out in the South Yorkshire Residential Design Guide. The level of additional vehicular movements would not be significant given the scale of development.

It concludes that the report demonstrates that a safe and suitable access strategy can be provided in accordance with national and local policy and guidance and that the development would not lead to a severe impact on the surrounding highway network.

#### Phase 1 – Geotechnical & Geo-environmental Site Investigation

The report notes that that existing dwelling has been on site since the late 1920s/early 1930s and before this the land was agricultural in nature. The site is surrounded by residential uses.

The site is not expected to be at risk from shallow coal mining.

Groundwater may be present at shallow depth, particularly in the north of the site near the existing ditch.

The site does not lie within a Groundwater Source Protection Zone.

No Radon Precautions are required.

There are no recorded landfills or significant areas of potentially infilled land within 250m of the site. The site is not expected to be at risk of ground gas mitigation or generation and gas monitoring is not considered to be necessary.

The site is not expected to be affected by contamination within the soils, given the lack of previous development. Remediation is expected to be limited to the removal of any localised made ground from below garden/soft landscaping areas. The excavated material can be placed below new hard standing areas or be removed from site. On this basis, a full Phase 2 geo-environmental site investigation is not considered to be required in this instance.

### Heritage Statement

This Statement provides details about the Grade II listed milestone which sits at the site frontage of the neighbouring property (no. 145 Worksop Road) and provides an assessment of its significance and an impact of the proposals in the context of the relevant planning policy guidance.

The statement concludes that the proposals are sensitive to the appearance of the milepost and will not result in any harm to the significance of the milepost's heritage value.

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

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

The majority of the application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

- CS20 'Biodiversity and Geodiversity'
- CS21 'Landscapes'
- CS23 'Valuing the Historic Environment'
- CS25 'Dealing with Flood Risk'
- CS27 'Community Health and Safety'

CS28 'Sustainable Design'  
CS30 'Low Carbon and Renewable energy generation'  
CS33 'Presumption in Favour of Sustainable Development'  
SP12 'Development on Residential Gardens'  
SP26 'Sustainable Transport for Development'  
SP32 'Green Infrastructure and Landscape'  
SP33 'Conserving the Natural Environment'  
SP34 'Sites Protected for Nature Conservation'  
SP35 'Protected and Priority Species'  
SP40 'Conservation Areas'  
SP47 'Understanding and Managing Flood Risk and Drainage'  
SP52 'Pollution Control'  
SP55 'Design Principles'  
SP57 'Sustainable Construction'

### **Other Material Considerations**

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

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

National Planning Practice Guidance (NPPG)

National Design Guide

National Internal Space Standards

Rotherham Adopted Supplementary Planning Documents

- Air Quality and Emissions
- Natural Environment
- Trees
- Biodiversity Net Gain

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. 30 letters of representation have been received (17 objecting and 13 in support) from individual addresses.

The concerns raised by those objecting to the proposals are summarised as:

- The proposals will cause serious drainage and / or flooding issues to an already saturated and poor draining area.

- The felling of a number of trees on the site has made drainage / flooding issues worse.
- Water flows for most of the year from the natural springs as well as added surface water drainage coming from surrounding areas.
- There will be a serious environmental effect to neighbouring properties and the surrounding areas.
- The felling of a number of trees in July 2023 has already had an impact on the natural wildlife habitat.
- The area is a nature rich habitat housing a variety of birds, bees, bats, newts and insects.
- Worksop Road is a very busy road, and there is parking on the road during school pick up and drop off, the bus lay-by and road layout would need to be improved.
- The tree survey was carried out after the felling of a number of trees in July 2023.
- The ecological survey was carried out after the applicant had destroyed all the wildlife by removing the trees on site.
- The topographical survey does not show the water course to the west of the site.
- The flood risk assessment fails to mention that 25% of the proposed development site is flooded for a great proportion of the year, due to the fact that the existing water course to the north of the site can not handle the flow of surface water from Bramley Ave and the Millstone estate, and the natural springs which exist in the gardens of the a joining properties and the bottom area of the proposed development site.
- Any development of this area has to address the flooding issues.
- The changes proposed to the wide road entry at the side /beginning of the bus layby will mean I can no longer see the busses coming down Lodge Lane to be prepared to signal the bus to stop, often due to the angle the bus has to exit Lodge Lane if you don't signal early they can't pull into the bus stop, and on occasion don't stop.
- The new road will run just a few feet from the side of our home and it can be anticipated that there would be a significant increase in noise, vibration and disturbance from the number of vehicles using the proposed access road.
- There have been a number of traffic incidents at the junction of Worksop Road and Lodge Lane. The pedestrian safety barriers at this junction have been repaired and/or replaced on numerous occasions in recent years due to vehicle collision.
- The proposal contravenes policy SP12 'Development on Residential Gardens' there is a considerable number of new houses already built or in the process of being built in the area. More houses is not an issue for the area, more Doctors, a NHS dentist and improved public transport is.
- The development of a housing estate would cause our home and garden to be overlooked by any build of more than 1 storey, we would suffer a severe loss of privacy.



- The proposed building site on this back garden is lower than the main sewer as the land falls away from Worksop Road where the main sewer is located. If a future builder needs to install a cesspit then even more commercial vehicles will be accessing this small plot. There is a Legal Easement between No 147 and No 149 relating to drains and this should be investigated before any build is considered.
- A building site followed by a housing estate in proximity to our dwelling would result in an increase in vehicle related noise and vibration plus an increase in general day to day noise will create an untenable working from home situation.
- Is there a need for more new dwellings.
- Building on this site will affect amenity by overlooking and impact on privacy.
- Should dwellings be built behind our property, we would be surrounded on two sides by roads, have a dwelling immediately to our left with its driveway next to our back garden and the noise of four properties to the rear - one of which would be right at the bottom of our garden. This will have a huge impact on noise pollution for us.
- Should the planning be granted, the back of our house would be lit by street lights, lights from the nearby properties and lights from cars using the new road. This makes the rear of our property feel considerably less private and secure.
- The additional traffic from the development would negatively contribute to the already heavy congestion at school times.

The concerns raised by the Parish Council are:

- The drive from the proposed properties comes out directly onto Worksop Road, this road is very busy, even though the speed limit is set at 30mph vehicles often travel in excess of this speed, the speed camera van is often parked in the vicinity as a deterrent.
- The drive is opposite the junction with Lodge Lane where there is a primary school, safety barriers have been positioned around the junction of Lodge Lane, but these have been replaced several times due to accidents, there is also the pelican crossing just down from the proposed driveway to enable people to cross the road safely.
- Cars will come out of the drive into the bus layby. The bus layby, road layout, and pelican crossing are already an issue for residents in the area, having more dwellings with more vehicles will exacerbate the issue.

Those who have stated they are in support of the application have provided the following reasons:

- The land is currently waste land and an eye-sore.
- More housing is needed in the village.
- All potential problems have been addressed.
- Houses being put in small spaces seem a better idea than using green belt.

- A good application, adding to the single property with four more in a much needed area with plenty of space for each dwelling for the occupants, with no significant impact on the road or neighbours.

5 Right to Speak request has been received from local residents and the applicant's agent.

## **Consultations**

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Ecologist: No objections subject to conditions.

RMBC Environmental Health: No objections subject to conditions.

RMBC Trees: No objections subject to conditions.

RMBC Drainage: No objections subject to conditions.

RMBC Land Contamination: No objections subject to conditions

Yorkshire Water: No objections subject to conditions.

Sheffield Area Geology Trust: No objections.

Coal Authority: No objections.

Hunter Archaeology: Whilst there are some concerns over the possibility of damage during any development these are not necessarily sufficient to stop the development. Any consent should carry a condition that positive steps are taken to ensure that the mile post cannot be accidentally damaged, e.g. a protective barrier whilst work is undertaken to the adjacent wall.

South Yorkshire Mayoral Combined Authority: The bus stop (37030918) outside of the site is currently serviced 1x hour Mon-Sat and 1x bi-hourly evening and Sundays by service 21 to Rotherham. We would prefer to keep the bus stop in the same location as this would maintain the layby. This isn't a timing point stop so apart from loading/unloading passengers there shouldn't be an issue.

## **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 outline permission with all matters reserved (apart from access) for up to 4 dwellings. Therefore, should the application be approved the reserved matters application could come forward for 1, 2, 3 or 4 dwellings.

The main considerations in the determination of the application are:

- Principle
- Design, Scale and Appearance
- General Amenity
- Impact on existing residents
- Highways
- Air Quality and Emissions
- Ecology / Biodiversity
- Landscapes and Trees
- Drainage and Flood Risk
- Land Contamination

### Principle

The site is allocated in the adopted Rotherham Sites and Policies Document for residential purposes.

The site comprises of a single detached dwelling and its residential curtilage. Accordingly, policy SP12 'Development in Residential Gardens' is applicable in the determination of the application.

Policy SP12 'Development on Residential Gardens' states:

*"Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:*

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

With regard to the above policy, it is acknowledged that the site does not include land to the rear of no. 149 Worksop Road, however, in terms of potential future development, the inclusion of this land with access from the application site would result in the loss of mature trees that are located on the

shared boundary. As such it is unlikely that this would be supported in principle. Accordingly, it is considered that criteria a. would be satisfied by the proposed development whether that be for 2, 3 or 4 dwellings as it would result in a comprehensive scheme of the site.

With respect to criteria b. whilst matters relating to scale, appearance and layout are not being considered at this time and will be assessed in further detail with the reserved matters application, the indicative layout plan appears to show that the site can be developed in line with appropriate spacing distances to ensure overlooking, privacy and overshadowing matters are in line with relevant design guidance.

In regard to criteria c. there are examples of backland development in close proximity to the site, therefore such a development would not be out of keeping with the character of the immediate surrounding area.

It is considered that given the allocation of the site and scheme hereby proposed the principle of development is acceptable and would result in an efficient use of this brownfield site in a highly sustainable location.

Therefore, as set out in the paragraphs of the NPPF set out below, subject to the development satisfying other relevant material planning considerations it should be approved “without delay”.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means “*approving development proposals that accord with an up-to-date development plan without delay...*” This is further supported by policy CS33 ‘Presumption in Favour of Sustainable Development’.

Paragraph 12 of the NPPF states: “*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*”

### Design, Scale and Appearance

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.

Paragraph 131 of the NPPF 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 139 states *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."*

In addition, CS21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. 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 South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

As previously stated, the application is in outline form, with only access being considered and all other matters such as layout, scale, appearance and landscaping (including boundary treatment) being reserved for future consideration under subsequent reserved matters application(s). Nevertheless, an indicative site layout plan has been provided to show how the site may be laid out, and to show whether or not the site could accommodate up to 4 dwellings, with acceptable private amenity spaces, appropriate spacing standards and the required number of parking spaces per dwelling.

The indicative layout shows the existing driveway being amended to allow it to be a private drive to serve potentially the 4 new dwellings.

The layout shows the footprints of 4 detached dwellings but no details of the height of the proposed properties or the number of bedrooms, as these matters are reserved and will come forward in the subsequent applications.

It is considered that whilst further consideration will need to be had at the reserved matters stage in respect of inter-house spacing standards, size, scale, form, design and siting of dwellings, as well as amenity considerations, it is noted that from the information submitted with this application, the site could accommodate up to 4 dwellings, but the final number will be dependent on consideration of the above issues during the reserved matters stage and the submission of a detailed layout plan.

Taking into account all of the above, any future application for reserved matters should have regard to the requirements of the aforementioned policies and guidance. However, on the indicative information submitted it is considered that the layout of the site could comply with the requirements of the NPPF, NPPG and Local Plan policies CS28 'Sustainable Design' and SP55 'Design Principles'.

#### Impact on Grade II listed milestone

It is considered that the development once completed would have little if any impact on the Grade II Listed milestone's setting or appearance given the location of the development in relation to it. However, there is potential for the heritage asset to be accidentally damaged during the construction phase. Therefore, it is considered reasonable to request details of how the heritage asset would be protected during the construction phase.

Accordingly, subject to conditions the proposal is considered to be in accordance with the requirements set out in the NPPF as well as Local Plan policies CS23 'Valuing the Historic Environment', SP40 'Listed Buildings' and SP41 'Conservation Areas'.

#### General Amenity

Paragraph 135(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.”*

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds and staff parking; measures to deal with dust and mud on the highway; and details of hours of construction and deliveries.

It is noted that a resident has raised the issue of noise impact both during the construction phase and from the future residents. As set out above all development projects will inevitably result in some noise impact. However, by requiring the submission of a Construction Management Plan for the construction phase it will help minimise any impact during this phase. As for noise from future residents, it is not envisaged that this will cause a significant issue due to the small scale nature of the proposals. Nevertheless, should a noise issue arise once the dwellings are occupied, this would potentially be a matter for colleagues in Environmental Health to investigate as a statutory noise complaint.

Therefore, whilst the comments raised are noted the issues can be mitigated by a condition and any noise / disturbance during the construction phase will be temporary.

#### Impact on existing residents

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 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.

With regard to the impact of the dwellings once constructed on the occupants of existing properties surrounding the site, it is noted that some residents have raised objections on the grounds of privacy and overlooking. These concerns are noted, but as the current scheme is in outline only and details in respect of appearance, layout and scale are not currently being considered under this application, limited weight can currently be given to these concerns. Such matters will be considered in more detail at the reserved matters stage.

Notwithstanding the above, the indicative layout shows that the site can be developed in line with the above spacing distances without harming the amenity of existing neighbouring residents, but this will be considered in depth at the reserved matters stage.

Further to the above, the indicative layout shows that the inter house spacing standards between properties within the site, as well as proposed rear garden areas can be achieved in line with the guidance set out within the South Yorkshire Residential Design Guide, but this will also be considered in depth at the reserved matters stage.

It is therefore considered that from the information available the site can be developed without adversely impacting on the amenity of local residents and can be developed in accordance with adopted Local Plan policy SP55 'Design Principles' and the requirements of the South Yorkshire Residential Design Guide, but these issues will be considered in depth at the reserved matters stage.

### Highways

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

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.

SP56 'Car Parking Layout' states that layouts should be designed to reduce the visual impact of parking on the street-scene; discourage the obstruction of footways and ensure in-curtilage parking does not result in streets dominated by parking platforms to the front of properties.

The application is seeking outline permission with access being considered.

The applicant has provided a drawing showing the new access arrangement to Worksop Road.

A further drawing showing swept path movement of a fire engine within the development.

Details of the number of bedrooms at each property are not indicated at this stage, the number of car parking spaces required at each dwelling will be



considered at a future application but the indicative internal layout showing each property being provided with 2 parking spaces each.

In respect of access to the site, the Council's Transportation Infrastructure Service have indicated that the visibility splay at the entrance / exit is acceptable, and the width of the vehicle access is capable of accommodating two-way traffic.

Further to the above, the footway in this location is shown as requiring widening slightly, and as such, the widening will need to be built to adoptable standards.

In light of the above the Council's Transportation Infrastructure Service have raised no objections and consider that the proposals would not result in a severe impact on the highway network, as such in line with the aforementioned paragraphs of the NPPF there is no highway reason to refuse the application.

It is noted that the issue of accidents on Worksop Road has been raised by local residents.

Colleagues in Transportation have indicated that over the last 5 year period available, there has been only 1 recorded injury collision at and around the Lodge Lane junction. As such, it is considered that the location is not a site of concern in terms of its injury collision record.

Notwithstanding the above these figures are only referencing 'injury collisions'. Any non-injury collisions are not recorded by South Yorkshire Police, and therefore no information is available as to why there have been instances where railings may have been damaged etc. but there are no injuries recorded, as this is purely a matter for insurance companies to resolve.

It is also noted that issues have been raised by local residents regarding the bus stop situated outside of the site with the layby occupying the width of the access to the site.

South Yorkshire Mayoral Combined Authority who operate the bus network have been consulted as part of the application. SYMCA note that the bus stop (37030918) outside of the site is currently serviced 1x hour Mon-Sat and 1x bi-hourly evening and Sundays by service 21 to Rotherham. SYMCA have indicated that they would prefer to keep the bus stop in the same location as this would maintain the layby. Furthermore, as this isn't a timing point stop, so apart from loading/unloading passengers, there isn't a need to move the stop and the development would not cause an issue.

#### Air Quality and Emissions

Policy CS30 'Low Carbon & Renewable Energy Generation' states: *"Development must seek to reduce carbon dioxide emissions thorough the*

*inclusion of mitigation measures...*” In addition, regard will be had to the guidance contained within Council’s adopted SPD ‘Air Quality and Emissions’.

NPPF states at paragraph 116 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The adopted Rotherham SPD ‘Air Quality and Emissions’, indicates that dwellings with in-curtilage parking spaces are required to provide 1 EV charging point per dwelling. No information has been submitted with the application therefore a condition will be imposed which requires the submission of details, including the type and location of the EV chargers prior to each dwelling being occupied.

Having regard to the above and subject to the aforementioned condition it is considered the development complies with the requirements of adopted Local Plan policy CS30, the adopted SPD ‘Air Quality and Emissions’ and paragraph 116 of the NPPF, all of which emphasise sustainable development, energy efficiency and reduction in carbon emissions.

#### Ecology / Biodiversity

Paragraph 180 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

Policy CS20 ‘Biodiversity and Geodiversity’ states: *“The Council will conserve and enhance Rotherham’s natural environment. Biodiversity and geodiversity resources will be protected, and measures will be taken to enhance these resources ...”*

Policy SP33 ‘Conserving the Natural Environment’ states: *“Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery...”*

Policy SP35 ‘Protected and Priority Species’ states: *“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.”*

It is noted that a number of trees have been felled on site prior to submitting the application. However, the submitted Biodiversity Net Gain metric submitted with the application has provided a baseline assessment of the site as it was in January 2020 as per the guidance.

A Preliminary Ecological Appraisal Report and BNG metric have been submitted with the application and has been assessed by the Council’s Ecologist.

The ecology report found that there was no potential for any protected species to be found on-site and no further surveys are required.

### *Breeding Birds*

In line with the report it should also be conditioned that if any vegetation or structures are required to be removed as part of the development then this should be undertaken outside of the bird breeding season (March to August inclusive) and secured via condition.

### *Biodiversity Enhancements*

The site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in line with the National Planning Policy Framework Paragraph 180 (d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design.

This should include one of each of the below:

- 1 bird box integrated into the buildings on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The box can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.
- 1 bat box should be integrated into buildings on a southerly aspect / orientation (south, south west, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants.
- Hedgehog holes between any boundaries, fencing and railings to allow hedgehogs to ensure the development is permeable to hedgehogs. Hedgehog holes can be created by 13cm x 13cm holes at ground level within fences or by leaving a suitable gap beneath gates and/or leaving brick spaces at the base of brick walls. To ensure holes are kept open 'Hedgehog Highway' signage should be provided and secured above the holes.

The above will be secured via a condition.

### *Biodiversity Net Gain*

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the

Environment Act 2021). All new planning permissions will have to deliver 10% biodiversity net gain.

All applications will be subject to a general biodiversity gain condition to secure the biodiversity gain objective. This condition is a pre-commencement condition; once planning permission has been submitted and approved a Biodiversity Gain Plan must be submitted and approved by the local planning authority before commencement of development.

To ensure that the biodiversity gain objective is met and the condition can be discharged successfully it is important that biodiversity net gain is considered through the planning process.

The applicants have submitted a biodiversity gain metric and information about BNG within their ecology appraisal. This shows the site before the trees were felled had a value of 1.25 habitat units on-site and 0.32 hedgerow units on-site.

As the final landscaping information has not been confirmed, as this is reserved for subsequent applications no information has been provided at this stage as to how the 10% net gain of the development will be achieved.

Notwithstanding this, the applicant has indicated in the PEAR that given the baseline value of the Site and nature of the proposals it is likely that there will be a deficit in area biodiversity units which cannot be provided by on-site habitat creation.

The applicant will therefore need to submit a biodiversity gain plan that is the mechanism to ensure that the biodiversity gain objective is met and in particular:

- The post development biodiversity value of the developments on-site habitat is accurate based on the approved plans and drawings for the development;
- Any off-site biodiversity gains have been registered and allocated to the development and;
- Biodiversity credits, if they are necessary for the development, have been purchased.

Developers are encouraged to follow the biodiversity gain hierarchy as set out in the NPPF:

- avoiding adverse effects of the development on onsite habitat with a habitat distinctiveness score, applied in the biodiversity metric, equal to or higher than six;
- so far as those adverse effects cannot be avoided, mitigating those effects;
- so far as those adverse effects cannot be mitigated, habitat enhancement of onsite habitat;
- so far as there cannot be that enhancement, creation of onsite habitat;

- so far as there cannot be that creation, the availability of registered offsite biodiversity gain;
- so far as that offsite habitat enhancement cannot be secured, purchasing biodiversity credits.

This will be considered when considering whether the biodiversity objective has been met when determining whether to approve the biodiversity gain plan.

In light of the above it is considered that subject to conditions the proposed development would comply with the relevant national and local policies and guidance.

It should be noted that whilst the felling of the trees has impacted on the habitats on site, the report / metric for BNG is in line with the guidance and assessed the site prior to the trees being felled as they were felled after January 2020.

Furthermore, as set out in the applicant's PEAR a condition shall be imposed regarding the submission of a Construction Environment Management Plan to ensure the impact on the watercourse is minimised during construction works.

#### Landscapes and Trees

CS19 'Green Infrastructure' states: *"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."*

Policy CS21 'Landscape' states: *"New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."*

Policy SP32 'Green Infrastructure and Landscape' states: *"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..."*

In respect of landscape matters this will be reserved for further consideration with the subsequent reserved matters application this will also include details of boundary treatment as well as on site landscaping.

With regard to trees it is noted from viewing aerial photos and visiting the site a number of trees have been removed from the central part of the site. Local residents have indicated that these trees were felled in the summer of 2023 and they have raised concerns about the felling and the accuracy of the Tree Survey submitted with the application.

Whilst a number of trees have been felled prior to the submission of the application, none of the trees were protected by a Tree Preservation Order or by the site being sited in a Conservation Area. Therefore, no permission was required for the tree felling. Furthermore, the Tree Survey is accurate as it is only required to provide details of the trees on site at the time of the survey.

Furthermore, no felling licence was required, because there is an allowance to fell up to 5 cubic metres in any calendar quarter without a licence and the felling took place over a period of time. The first felling took place in late 2021 / early 2022 and the second half of felling took place in August 2023.

The applicant has indicated that the felling was carried out by a qualified arboriculturist and were felled for safety reasons, because they were shallow rooted thin trees that were falling over and if they fell they would have caused injury or damage.

The Council's Tree Service have indicated that they provided comments on a pre-app enquiry in November 2023 and noted at the time that the northern half of the site comprised of an established woodland block. However, these comments were based on a desk-top assessment using aerial photos, which would have been taken before the felling took place in late 2021 and as such the comments at the pre-app did not reflect the situation on site at that time.

The Tree Survey submitted with the application only provides an assessment of the site as it was at the time of the assessment, which is appropriate and acceptable given the trees previously on site, which were not protected in any way, had been felled and can no longer be considered.

Notwithstanding, the above as mentioned in the BNG section of the report, BNG matters can be considered retrospectively if the land has been cleared of vegetation prior to an application being submitted. Therefore, the wildlife habitats that will have been lost would be mitigated through the BNG requirement of seeking a 10% net gain.

Turning back to tree matters, whilst it is regrettable that the site has been cleared prior to the application being submitted, the trees were not protected and there is no contravention of any relevant national or local policy and guidance by these actions and the Tree Survey only assessing the site as it is today, is acceptable.

The Tree Survey indicates that trees and hedgerows around the perimeter of the site are to be retained and a condition is to be imposed regarding the protection of the remaining trees and hedges. To achieve a viable layout, it will require the removal of 6 No Trees, all of which are graded low quality (category C). The loss of these trees can be mitigated through the planting of 10No. replacement trees of at least Extra Heavy Standard size and planting hedgerows to infill any boundary gaps.

On that basis the proposals are considered to be acceptable subject to a condition for a replacement mitigation tree planting scheme, which will come forward as part of the landscape requirements of the reserved matters application.

Therefore, subject to conditions the proposals at this time would satisfy the requirements of the polices outlined above.

### Drainage and Flood Risk

Policy CS25 'Dealing with Flood Risk' states 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. Furthermore, policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 173 of the NPPF.

The site is located within Flood Zone 1; however, records indicate that this area may be susceptible to surface water flooding.

Comments have been raised by local residents regarding flooding and drainage issues of developing this site and the impact on the watercourse to the north of the site.

The Council's Drainage Engineer has indicated that they have no objections to developing the site at this time but have requested the submission of a condition requiring details of foul and surface water and land drainage to be submitted with the first reserved matters application and cover the whole application site.

Further to the above, Yorkshire Water have also raised no objections to developing this site. They too have requested conditions relating to foul and surface water drainage details.

They have indicated that separate systems should extend to the points of discharge to be agreed. Foul water domestic waste may discharge to the public combined sewer network recorded in Worksop Road, a connection could be made to a public sewer upstream of that system.

The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.

Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal

via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

It is understood that a watercourse is located to the north of the site. This appears to be the obvious place for surface water disposal.

In light of the comments by the Council's Drainage Engineer and Yorkshire Water both of whom raise no objections to the development subject to conditions, it is considered that subject to details being submitted to satisfy the conditions the site can be appropriately developed without impacting on drainage matters or flood risk of either this site or neighbouring sites.

### Land Contamination

A Phase I investigation report has been submitted with the application.

Currently the site is occupied by a detached dwelling in the south of the site, with hard covered driveways to the front, side and rear, with a detached garage to the rear. A small front lawn is present, with grassed covered areas to the rear of the house. A further garage and wooden shed is also present on site. A watercourse runs towards the east along the site's northern boundary.

Historical maps depict the application site has having been agricultural land from circa 1850 to the early 1900's. By the 1920s/1930s the site had become occupied by a residential dwelling which is still in existence at the present date.

The application site is bounded by residential housing to the north, east, south and west. A school is also located to the south of the site beyond Worksop Road.

The site is to be developed with an additional 4 residential properties with associated garden and parking areas within the northern section of the site.

Having regard to the above, it is unlikely there are any significant sources of contamination on or within close proximity of the site. There are no industrial works located in close proximity to the site and therefore the risk of contamination migrating onto the application site is also negligible.

The only likely risk of contaminated materials being present is considered to be limited to any made ground that has been placed as a subbase to the existing hard standing, which is expected to be of very limited extent.

A Coal Mining Report submitted within the Phase I Report has indicated that the application site is not likely to be at risk from the effects of shallow or deep coal mining.

The northern half of the site has been shown to be at low to high risk of flooding from surface water. This appears to relate to the watercourse along



the northern boundary. The surface water routing issues will need to be addressed within a detailed design drainage strategy.

In conclusion it is highly unlikely that significant contamination will exist at the site which will present a risk to human health. The site is therefore considered suitable for its proposed end use.

### Coal Authority

The southern end of application site (currently the front garden of no.147 Worksop Road) falls within the Coal Authority's defined Development High Risk Area (DHRA). The Coal Authority's information indicates that a coal seam outcrops at or close to the surface beyond the southern site boundary, dipping in a northerly direction beneath the site, which may have been worked in the past. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

It should be noted that only the southernmost section of the new driveway to the proposed dwellings would be present within the DHRA. The majority of the site, including the proposed building plots would be located entirely outside the DHRA, i.e. within the Development Low Risk Area.

Notwithstanding the above, the application is accompanied by a Phase 1 Geotechnical & Geo-environmental Site Investigation report.

Based on a review of relevant sources of coal mining and geological information, the report acknowledges that a single thin coal seam may be present beneath the site at shallow depth. However, it advises that this seam is not recorded to have been worked in the locality and is not considered to pose a risk to the proposed development. It concludes at Section 3.6.2, 'it is not considered that the site will be at risk from the effects of shallow mining, and investigations in to the seams underlying the site, or remedial measures, are not considered to be required.'

### Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

### SuDS

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority's Planning & Development Team considers that the content and conclusions of the Phase 1 Geotechnical & Geo-environmental Site Investigation report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore raises no objection to the application. However, more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building regulations application.

#### Other responses to objectors' comments

With regard to the objections received, those that relate to matters relating to the principle of development, highway issues, ecology, loss of trees, drainage and flood risk; impact on local amenities / facilities, impact on amenity of existing residents have been considered in the prevailing sections of this report.

An issue has been raised regarding the lack of local amenities including doctors' appointments. Whilst these issues are noted, the site is in walking distance of a number of local facilities / amenities and in respect of impact on doctors' appointments, the development is for a maximum of 4 dwellings which would have a negligible impact.

#### **Conclusion**

It is concluded that notwithstanding the objections received, the principle of developing this site for residential purposes is acceptable and the access arrangements proposed would not result in a severe impact on the highway network or the safety of users.

Furthermore, matters relating to trees, ecology, drainage, flood risk and amenity are noted. However, there are currently no reasons to refuse this outline application on these grounds given the comments by relevant consultees and the conditions that have been recommended, which would address those concerns.

Therefore, having considered the planning balance the application would satisfy the relevant national and local planning policies and guidance and is subsequently recommended for approval.

#### **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 **6, 11, 15 & 21** 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 **6, 11, 15 & 21** 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

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

#### Reason

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

02

Before the commencement of the development, details of the layout, scale, appearance and landscaping of the site, shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

#### Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

03

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

YK7022/2C SK01 – Location Plan  
YK7022-4PD-001 – Proposed Site Access Arrangement

Reason

To define the permission and for the avoidance of doubt.

04

Prior to construction works commencing above ground level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority or samples of the materials shall be left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity.

05

A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority prior to works commencing above ground level. The approved boundary treatment shall be completed before the first dwelling is occupied.

Reason

In the interests of the visual amenity of the area and in accordance with the Local Plan.

#### Construction Management Plan

06

Prior to any works commencing on site a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction and demolition related activities - Contractors and site staff are expected to use the best practical means to minimise noise on site. Regard shall be had to the guidance detailed in BS5228 2009: 'Noise and Vibration Control on Construction Sites'.
- Dust arising from all construction and demolition related activities - Contractors and site staff are expected to use the best practical means to minimise dust on site. Regard shall be had to the guidance detailed in Institute of Air Quality Management- Guidance of the assessment of dust from demolition and construction 2014.
- Artificial lighting used in connection with all construction related activities and security of the construction site - Contractors and site

staff are expected to use the best practical means to minimise light nuisance on site. Regard shall be had to the guidance detailed in the Institute of Lighting Professionals - Guidance Note 01/21 – Reduction of Obtrusive Light.

The CEMP to be submitted shall be in report format and as a minimum is to include the following details as specified in the subheadings below:

- Program and Phasing Details
  - Site layout
  - Operational hours
  - Expected duration of demolition and construction work phases
- Site Management
  - Contact details of site manager for public liaison purposes
  - Complaints procedure - Roles and responsibilities
- Routes for Construction Traffic
  - Routes to be used for access onto site and egress
  - One way systems
  - Haul routes (onsite and delivery)
- Site Access, Storage and Movement of Materials
  - Delivery access point details
  - Location details of storage areas, including parking of vehicles and areas for loading / unloading of materials
  - Delivery times of materials and plant
- Dust, Debris and Mud
  - Screening and hoarding
  - Preventative measures
  - Dust suppression measures
  - General and machinery
  - Wheel wash facilities
  - Road sweeping facilities
  - Covering of dusty stockpiles
  - Vehicles carrying dusty loads
  - Dust monitoring
  - Boundary checks
  - Monitoring of weather including wind speed and direction, dry conditions etc
- Noise and Vibration Control
  - Silencing of vehicles, plant and machinery
  - Mitigation measures for noisy operations
  - Operational hours
  - One way systems
  - Vehicle reverse alarms
  - Leaflet drops to noise sensitive premises
- Artificial Lighting
  - Hours of operation of the lighting
  - Location and specification of all of the luminaires
  - Level of maintained average horizontal illuminance for the areas that needs to be illuminated

- Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity
- Measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- Waste Management
  - Waste storage
  - Waste collection
  - Recycling
  - Waste removal

Reason

To safeguard the amenities of the occupiers of nearby properties and promote sustainable development.

Air Quality and Emissions

07

The scheme shall provide a Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space.

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

Reason

In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement.

Highways

08

The proposed on-site layout shall be designed and constructed in accordance with the South Yorkshire Residential Design Guide (or any subsequent document that replaces it).

Reason

In the interests of highway safety.

09

Car parking facilities shall be provided in accordance with the Council's Car Parking Standards (SPD12 'Transport Assessments, Travel Plans and Parking Standards').

Reason

In the interests of highway safety.

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 dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity.

11

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

Reason

No details having been submitted they are reserved for approval.

12

Prior to the first dwelling being occupied, a scheme for sustainable travel shall be submitted to and approved in writing by the Local Planning Authority, designed to reduce the need for and impact of motor vehicles and encourage alternative travel modes.

Reason

In order to promote sustainable transport choices.

Ecology

13

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to 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.

14

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

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

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

Reason

In the interests of biodiversity and ecology.

15

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of biodiversity and ecology.

Landscapes and Trees



16

No operations (including initial site clearance) shall commence until full details of measures to protect the existing trees, shrubs, hedges (including those adjacent to the site boundary) to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented.

These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

#### Reason

In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees/shrubs and hedges is irreversible.

17

A suitable scheme of proposed on-site tree planting and pits shall be submitted to and approved by the Local Planning Authority before works commence above ground level.

The scheme shall include the following comprehensive details of all trees to be planted:

- A scaled plan showing the locations of the new trees (existing trees must also be shown)
- The species and stock size.
- Include details confirming the planting intended to mitigate the tree losses detailed in the AIA.
- An assessment of suitability of planting location
- Actions taken to mitigate any foreseeable issues i.e. the use of root barriers/deflectors, flexi-paving, appropriate species selection, structured soils, foundations, etc.
- Proposals should be in accordance with British Standard 8545:2014 - Trees: from Nursery to Independence.
- Five year post planting maintenance and inspection schedule.

The approved details shall be implemented within the first available planting season after the first dwelling is occupied.

#### 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.

18

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

#### Drainage and Flood Risk

19

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

Reason

To ensure that the site is connected to suitable drainage systems.

20

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal.

Heritage Assets

21

Prior to commencement of development details for the protection of a Grade II listed milestone to the site frontage of no. 145 Worksop Road shall be submitted to and approved in writing by the Local Planning Authority.

The approved protective measures shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

Reason

To ensure the heritage asset is not accidentally damaged during the construction phase.

Land Contamination

22

In the event that subsoil/topsoil is required to be imported to site for garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing shall be presented within a Validation Report and shall be submitted to the Local Authority for review and comment prior to any importation taking place.

Reason

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

23

If during development works unexpected significant contamination is encountered, works shall cease and 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 shall only recommence once confirmation from the Local Planning Authority is received.

Reason

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

## Informatives

01

### Biodiversity Net Gain

Unless an exception or a transitional arrangement applies<sup>1</sup>, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that **development may not begin** unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rotherham MBC. Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

### Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat;
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat present within the onsite baseline; and
- (h) any additional information requirements stipulated by the secretary of state.

### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity

Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

1. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
  2. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.
- Listed exemptions from Statutory BNG and transitional arrangements can be found at Biodiversity net gain: exempt developments - GOV.UK ([www.gov.uk](http://www.gov.uk))
  - The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>
  - Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)
  - Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>
  - Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>
  - Where a Habitat Management and Monitoring Plan is required: <https://publications.naturalengland.org.uk/publication/5813530037846016>

02

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

take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

03

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.

04

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

05

Ground Investigations and groundworks

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

06

Shallow coal seams

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

07

Surface Water Discharge From Greenfield Site:

The total surface water discharge from greenfield sites should be limited to green field run-off rates - up to 1 in 100 years storm + climate change. On site surface water attenuation will be required.

If the greenfield run-off for a site is calculated at less than 2 l/s/ha then a minimum of 2 l/s can be used (subject to approval from the LPA)

Surface water drainage plans should include the following:

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

08

Measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved should be carried out, please see attached Informative Note in this respect.

#### 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.