

**REPORT TO THE PLANNING BOARD TO BE HELD ON THE  
21 NOVEMBER 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>RB2023-1686 <a href="https://rotherham.planportal.co.uk/?id=RB2023/1686">https://rotherham.planportal.co.uk/?id=RB2023/1686</a></b>
<b>Proposal and Location</b>	<b>Change of use from residential (use class C3) to residential children's home (use class C2), 124 Broom Road. Broom</b>
<b>Recommendation</b>	<b>Granted Conditionally</b>

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



**Site Description & Location**

The application site is a semi detached Edwardian red brick property with a large feature bay window. The dwelling shares an access with No.124 Broom Road with parking to the front and rear of the property.

## **Background**

No site history.

## **Proposal**

This application proposes the change of use of the property from a residential house to a children's residential care home for a maximum of two children. Children will range in age from 11 to 17 years. Up to two members of staff will work on each shift with handovers occurring at 9.30 a.m. and 4.30 p.m.

No external changes to the dwelling are proposed.

In terms of parking three parking spaces will be provided to the front of the home. The parking layout will also require a wider access, with the existing stone gate post relocated. The applicant has worked with the Council to provide adequate parking on site, to prevent on street parking.

The applicant submission states that:

*Up to two children will live at the home supported by two staff members on shift at any one-time including sleeping in overnight.*

*The property has a large car parking area which provides sufficient parking for up to 4 cars at any one time. Therefore there will not be any need to use on street parking even at busy times such as staff handover. Handovers will occur at 9.30 a.m. and 4.30 p.m.*

*Children will range in age from 11 to 17 years with needs that may vary to include emotional, behavioural and potentially learning disabilities. In conjunction with the child's social worker we are responsible for the matching process we will carefully match any child and their needs to achieve a balance in the home.*

*We are committed to the fulfilment of young people's aspirations towards a brighter future. Homes 4 Young People is passionate in delivering an excellent residential care service that offers a safe warm caring environment. We aim is to work in partnership with children, young people and all those with parental responsibility to achieve the best outcomes and ensure all are involved in the process.*

*We believe that just because a young person has a troubled background or requires care that they should live in a lesser standard of housing or in areas of deprivation. We strive for equality and provide excellence in our homes as a safe place to live and grow.*

*We recognise the need for appropriate, supportive staffing levels, not only in terms of health and safety requirements but also in relation to quality, purposeful, supportive and proactive childcare practices. With this in mind*

*they have a team of staff which consists of a Registered Manager, Deputy Manager and Residential Support Workers.*

*The home will be staffed 24 hours a day, 365 days of the year with staff working on a shift basis. Typically, the main functioning hours of the home would be the same as any family residence. We plan to employ local staff who will be familiar with the area and community. All will be trained to a high quality as standard.*

*The training levels are as follows:*

- *Registered Manager – Post Graduate Diploma in Social Work alongside Masters in Leadership and Management.*
- *Deputy Manager Level 5 Diploma in Youth Work/ Level 7 Diversity Management.*
- *Support Staff - Level 4 Diploma*

*Homes 4 Young People has a vision to create a safe, nurturing home full of opportunities so that these young people are able to realise and ultimately reach their full potential as they grow into adulthood.*

## **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):  
SP 11 Development in Residential Areas

## **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. 14 letters of objections have been received from local residents and Local Ward Councillor Taiba Yasseen.

The objectors raise the following concerns:

- Potential increase in local crime rates, including safeguarding issues for neighbouring families and children. Also the possible disturbances from visitors/parents of children in care
- The Semi-detached house unsuitable for children's home, including a lack of secure outdoor space and proper facilities. Will the property be maintained in a good condition.
- Loss of privacy for neighbouring properties and gardens. There is potential for the intimidation of neighbours.
- There is a potential decrease in local property values caused by the new care home. Strain on local services (e.g., healthcare)
- The applicant has a lack of experience and track record in childcare. Questions about quality of care and value for money
- Displacement of current residents, including the eviction of current tenants for an unapproved application
- The proposal is Inconsistency with local development plans
- Parking issues associated with the number of staff using a shared access.

Local Ward Councillor Taiba Yasseen raises the following concerns:

- Incompatibility with Residential Environment and Community Cohesion
- Traffic, Parking, and Safety Hazards
- Insufficient Infrastructure to Support High-Needs Children
- Intensity of Staffing and Impact on Residential Character

- Validity of Expertise and Track Record
- Impact on Property Values and Neighbourhood Appeal

Four people have requested the right to speak at Planning Board including the applicant.

### **Consultations**

RMBC – Transportation and Highway Design – No objections subject to relevant conditions.

RMBC – Environmental Health – No objections

South Yorkshire Police – No objection subject to recommended informative

### **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:

- The Principle of the Development
- Impact on General Amenity
- Transportation Considerations
- 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).

Recent planning law has noted that a change of use from C3 to C2 might not result in a material change of use if the resulting use of the building is similar to the character to that of a normal dwelling house. In this instance it is considered that there would be a material change of use due to the

changeovers of staff at this property and the fact that two children will be cared for.

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.

### Impact on Residential Amenity

The proposal relates to the use of the dwelling as a children's care home for up to two children only. Two staff will be present to provide care and during handovers up to three staff present on site. These comings and goings and associated vehicle movements may differ from the activity associated with a dwelling house, however, it is not considered to be of a level which would create a significant impact on the residential amenity of the adjoining or adjacent neighbours and as such would not justify refusing the planning application on these grounds.

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. A condition is recommended to limit the number of children to be cared for at the property along with the number of carers present on site at any one time.

The applicant has confirmed that the changeover time for staff is at 9:30am and 4:30pm, and 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 and whilst it will increase during daytime hours, it is considered that the level of noise associated with increased vehicular movements is limited and 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 child 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. There are no relevant planning policies which dictate that such uses should not be located close to one another, and due to the nature of the proposal it is considered to be residential in character, which is appropriate in this residential area.

## Transportation

Paragraph 109 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. Policy CS14 is supported by paragraphs 108 and 110 of the NPPF.

SP26 'Sustainable Transport for Development' states: "Development proposals will be supported where it can be demonstrated that:

- a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling..."

SP56 'Car Parking Layout' which states: "In terms of car parking, 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."

During the course of the application the applicant has worked with the Transportation Officer to achieve adequate on site parking. The applicant's additional information includes a revised car parking scheme which now demonstrates how 3 No cars can park on the site frontage at an angle and that the site access is to be increased in width to 5m to assist with access/ egress. Whilst this will potentially result in cars reversing back into the classified road, other dwellings in the near vicinity also undertake this manoeuvre.

The applicant's agent has confirmed that change over will be staggered so that a maximum of 3 No staff will be on site at any one time.

Objections have been received that the proposal, if approved, would cause further parking problems for residents, especially considering the shared access with the neighbour. The amended scheme with the wider access along with appropriate shift patterns will ensure that neighbour will not be blocked in and that staff will not need to rely upon on street parking.

## Other Matters Raised by Local Residents

A number of objections have raised concerns about how the home will be run, the type of staff and if the children can be retained on site. These issues will be addressed by a separate body and are not for consideration as part of this submission.

## **Conclusion**

Given the location of the dwelling, together with the nature and intensity of the proposed use, to look after two children, it is considered that any noise and disturbance generated would be akin to a “traditional” residential dwelling, and whilst there will be comings and goings at shift change over times, this would be within daytime hours so would not create such a significant impact on the amenity of neighbouring residents that would justify refusing planning permission on these grounds. Furthermore, the presence of two carers at any one time will ensure that the children and/or young people in care are suitably supervised minimising any impact on the amenity of neighbours or the wider community.

It is also considered that the onsite car parking proposed is appropriate from a highway safety aspect. It is therefore recommended that planning permission is granted conditionally.

## **Conditions**

01

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

### **Reason**

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

02

The 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 2987, (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.

03

The number of children cared for at the site shall be limited to 2 at any one time with a maximum of 3 carers present on site at any time.

**Reason**

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

04

Prior to the development being brought into use, the site access and vehicle access shall be increased in width to a minimum 5m as indicated in draft form on drawing number DRW01A.

**Reason**

In the interest of highway safety.

05

Before the development is brought into use the car parking area shown on the drawing number DRW01A shall be provided, marked out and thereafter maintained for car parking.

**Reason**

To ensure adequate on site parking is provided.

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**

To ensure the site is adequately drained.

**Informative**

South Yorkshire Police

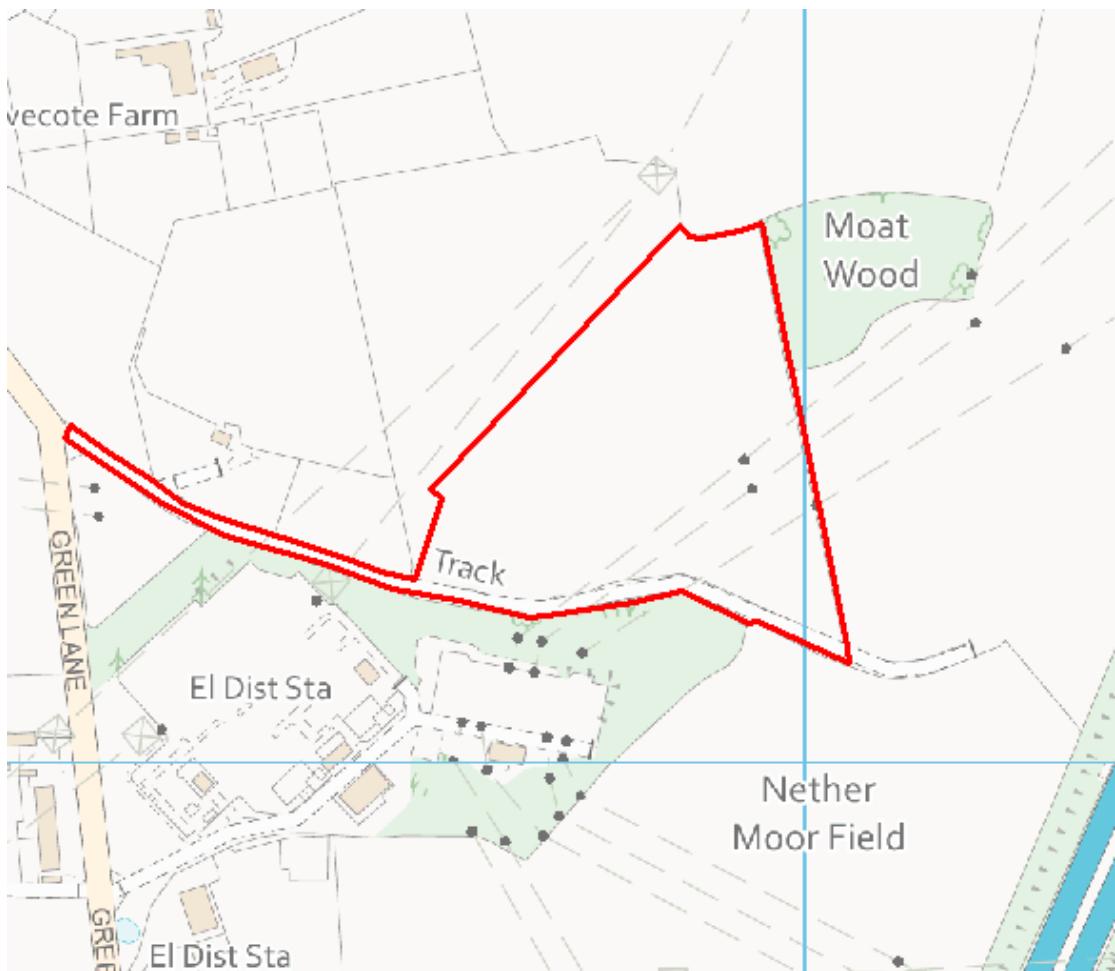
This development would benefit from being renovated to Secured by Design (SBD) standards. For further information please contact:

[Suzanne.turton@southyorks.pnn.police.uk](mailto:Suzanne.turton@southyorks.pnn.police.uk)

**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>	RB2024/0063 <a href="https://rotherham.planportal.co.uk/?id=RB2024/0063">https://rotherham.planportal.co.uk/?id=RB2024/0063</a>
<b>Proposal and Location</b>	Erection of 100mw battery storage facility and associated works, land off Moat Lane, Wickersley
<b>Recommendation</b>	Grant Conditionally



### Site Description & Location

The application site consists of 2.30 hectares of land located in an agricultural area near Thurcroft Substation. The site features gentle slopes and is primarily surrounded by farmland, with some nearby residential properties along Moat Lane and Green Lane. It is situated approximately 250 meters southeast of Wickersley and 800 meters northwest of Thurcroft, lying just outside the development boundaries of Wickersley. The site benefits from existing access via Moat Lane, which connects to major roads leading to the M18.

### Background

The site includes a number of applications relating to agriculture. In 2017 an application for a 50mw Battery Storage Facility was recommended for approval at Planning Board and Members were disposed to refuse the application for the following reasons:

01

The proposal constitutes inappropriate development in the Green Belt and the Council considers that the cumulative impact of the proposed battery storage scheme along with that scheme approved to the south of the Thurcroft substation site (reference RB2017/1426) would lead to an unacceptable adverse impact on the openness of the Green Belt and to an unacceptable degree of encroachment in this location. This impact would be emphasised due to the location of the site in the middle of the agricultural field. The proposal would have an inferior access to the site compared to that at Green Lane in view of the limited width of the adopted highway to the south of the junction with the access track, and the access track itself which is used by recreational walkers, such that the introduction of large commercial vehicles would increase the risk of conflict with other road users. No very special circumstances have been demonstrated to overcome the harm caused and the proposal is considered to be contrary to Core Strategy Policy CS4 Green Belt and to the aims of the NPPF.

The application was subsequently subject of an appeal which was dismissed. The appeal decision concluded that the proposed development was inappropriate development within the Green Belt with no very special circumstances to outweigh that harm. Since this appeal decision, it has been widely accepted that Battery Energy Storage proposals are a form of renewable energy which is encouraged in principle at National and Local level.

On adjacent land Planning Permission has recently been approved for a similar 50WM battery storage facility:

RB2019/1343 - Siting of a 50MW battery storage facility consisting of 22 battery containers, 24 inverters, 13 transformers, 3 T-boost stations, 2 back-up generators, customer substation, control room, 66kv switchgear equipment, welfare & storage containers and 2.4m security fencing - GRANTED CONDITIONALLY

RB2019/1900 - Non-material amendment to application RB2019/1343 to include replacement of 2.4m wire fencing with 2.4m timber acoustic barrier on the southern boundary and 15m of the west boundary – GRANTED

In addition to these previous apps, the Council is also considering an adjacent site on Moat Lane RB2024/0321 for a similar battery storage scheme.

#### Recent Appeal Decisions

More recent appeal decisions appear to take the view that in assessing the benefits of the scheme, such developments would facilitate greater use of renewable energy sources. It would also give more flexibility to the energy system, benefit energy security and help meet net zero targets key to addressing climate change. National energy policy EN-1 states that electricity storage has a key role to play in achieving these objectives. This, is consistent with NPPF policy on low carbon development which states that significant

weight should be given to the contribution to renewable energy generation and a net zero future.

A number of recent appeal decisions indicate that inspectors have concluded that the scheme's benefits can outweigh the harm to the green belt and landscape and that very special circumstances can exist in terms of the benefits of battery storage.

### EIA screening opinion

The proposed development falls within the description contained at Paragraph 10 (b) 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 proposal exceeds 50MHW.

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

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 impact within the locality.

Whilst there are cumulative impacts in terms of the adjacent development RB2024/0321 and similar nearby battery storage approvals, this cumulative impact has been considered that the impacts are not considered to warrant an Environment Impact Assessment.

### **Proposal**

The proposed development involves the construction of a Battery Energy Storage System (BESS) with a capacity of up to 100 MW on a site covering 2.30 hectares near Thurcroft Substation in Wickersley, Rotherham. The key components of the development include:

- 80 high-efficiency BESS containers housed within individual units.
- 20 transformer units to support the BESS.
- Welfare Room and storage building
- Switch control room and an auxiliary transformer.
- A 2.4 metre high palisade fence
- Landscaping features

- An internal access road will be constructed, connecting the site to an existing access from Moat Lane.

Whilst this application must be considered on its merits and determined in accordance with S38 of the Planning and Compulsory Purchase Act, it must be noted that an application on the site directly adjacent is concurrently being considered under application reference RB2024/0321. This application also proposes Battery Storage of 100mw and the proposals could both be implemented. It is therefore necessary to consider the cumulative impact of these proposals.

The BESS facility is intended to store and supply electricity to the grid, supporting energy demands when renewable generation is low and absorbing excess electricity during low demand periods. The facility will be connected to the nearby Thurncroft Substation via an underground cable, ensuring minimal visual and environmental impact. The development is designed to be reversible, allowing the land to be restored to its former state after the facility's operational life of up to 35 years. The project includes landscaping and noise mitigation measures to minimize its impact on the surrounding area.

The Applicant's Flood Risk Assessment states that:

This Flood Risk Assessment (FRA) is compliant with the requirements set out in the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance. The FRA has been produced on behalf of Newton Energi.

This report demonstrates that the proposed development is not at significant flood risk, and simple mitigation measures have been recommended to address any residual risks that may remain.

The Applicant's Noise Survey states that:

Hepworth Acoustics Ltd was commissioned by Newton Energi to carry out a noise impact assessment in connection with a planning application for a new energy storage facility at land off Moat Lane in, Wickersley.

A baseline noise survey was carried out covering a full day/night period at a location representative of the nearest dwellings.

A computerised noise model has been developed based on manufacturer/supplier noise emission data and the proposed site layout. The noise model is based on the worst-case noise emissions from the proposed plant operating simultaneously. Noise emissions from the proposed site are anticipated to be considerably lower the majority of the time. The potential noise impact has been assessed taking into account the context of the site in line with BS 4142:2014+A1:2019.

The BS 4142 assessment has concluded that no unacceptable noise impact is likely and therefore no special noise control measures are necessary for the proposed development.

The Applicant's Health and Safety Fire risk document states that:

Specific fire safety techniques proposed for Moat Lane include:

- The outdoor insulated transformers will be separated from adjacent structures and from each other by fencing and spatial separation. Spacing will also be provided between the transformer and other structures on site.
- Direct consultation with the fire department prior to construction;
- Automatic fire, gas and smoke detection (beam based);
- Automatic fire suppression (e.g. sprinklers – water and/or gas based);
- Use of fire-resistant non-combustible materials/enclosures;
- Air ventilation and temperature control in battery containers to prevent overheating;
- Configuration of internal access road to allow for access to all battery containers. Internal access road will be built and maintained to a standard to safely accommodate emergency vehicles.
- Regular maintenance and testing of BESS and synchronous compensators.

The Applicant's Ecology report states that:

Based on the Defra Biodiversity Metric 4.0 calculations, the proposed development will result in an overall change in Habitat Units to +3.07 (+56.70%) and Hedgerow Units to +0.45 (+17.69%).

Trading rules were satisfied due to the adequate provision of 'Medium' distinctiveness broad habitat; Other Neutral Grassland, Mixed Scrub and Individual trees. NERC (s.41) Priority Habitat Native Hedgerow will be enhanced as part of the development proposals.

The application site is considered to meet targets set within The Environment Act (2021) and is considered to comply with Rotherham Metropolitan Borough Council's 'Biodiversity Net Gain + 10%: Supplementary Planning Document'.

For habitats which require specific methods of implementation to achieve a target condition, long-term habitat management and monitoring prescriptions are provided within Section 5 of this report.

Additional enhancements for protected species are provided within Section 6 of this report.

## **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 (adopted June 2018)

The application site is allocated Green Belt in the Sites and Policies Document. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan Policies

Core Strategy policy(s):

CS2 – Landscape

CS4 - Green Belt.

CS19 – Green Infrastructure

CS20 'Biodiversity & Geodiversity'

CS28 'Sustainable Design'

CS30 'Low Carbon and Renewable Energy Generation'

Sites and Policies Document:

SP2 – Development in the Green Belt

SP32 – Green Infrastructure and landscape

SP33 - Conserving & enhancing the natural environment

SP55 - Design Principles

SP69 - Utilities Infrastructure

## **Other Material Considerations**

The NPPF 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.

Wickersley Neighbourhood Plan.

## **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 17 letters of objection have been received, including one from Wickersley Parish Council and one from the Campaign for the Protection of Rural England.

The objectors state:

- Inappropriate development in Green Belt land and loss of agricultural land: The proposals represent inappropriate development in the Green Belt, contrary to national and local planning policies. They would result in the loss of high-quality agricultural land currently used for food production, which is needed to support a growing population. This conflicts with the fundamental aim of Green Belt policy to prevent urban sprawl and keep land permanently open.
- Lack of "very special circumstances" and cumulative impact: The applicants have not demonstrated the "very special circumstances" required to justify inappropriate development in the Green Belt. There are concerns about the cumulative impact of multiple battery storage facilities in close proximity, with fears that the area is becoming industrialized. Approving these applications could set a dangerous precedent for further erosion of Green Belt protections.
- Inadequate access and safety concerns: The narrow lanes (Green Lane and Moat Lane) are unsuitable for the heavy construction traffic required for building and maintaining the facilities. This would cause damage to the roads, create safety hazards, and pose significant risks to pedestrians, cyclists, horse riders, and dog walkers who regularly use the quiet lanes for recreation. There are also concerns about access for emergency services.
- Negative impact on local environment and recreation: The developments would harm the rural character of the area, disturb wildlife habitats, and negatively affect the enjoyment of the countryside by local residents and visitors. The area is frequently used for walking, jogging, cycling, and horse riding, all of which would be adversely affected by the increased traffic and industrial nature of the proposed facilities.
- Visual intrusion, noise, and light pollution: The large-scale industrial facilities would be visually intrusive in the open countryside, with concerns about the effectiveness of proposed screening measures. The developments would likely generate noise during operation and require lighting, which would disturb local residents and wildlife, altering the quiet rural nature of the area.
- Insufficient public consultation and procedural concerns: Some residents feel they have not been adequately informed or consulted about the proposals, particularly given the significant impact on the local area. There are complaints about short objection periods and lack of direct communication from the council to all affected residents. Some application documents erroneously classify the site as brownfield land, raising concerns about the accuracy of the information presented.
- Previous refusal and alternative sites: A smaller application on one of the sites was previously refused and dismissed on appeal, with circumstances not having materially changed to justify a different

decision. Objectors argue that alternative sites, particularly brownfield land, should be fully explored before considering development on Green Belt land.

- Lack of local benefits and commercial nature: The proposals offer little benefit to the local community and appear to be driven solely by commercial interests rather than local needs. There are concerns that once the facilities are built, the companies will move on, leaving the local area to deal with the long-term impacts of industrialization in a formerly rural setting.

Wickersley Parish Council states that:

Wickersley Parish Council objects to the proposal due to its inappropriate development, which would harm the openness of the Green Belt and undermine its purpose of separating Wickersley and Thurcroft while protecting the countryside from encroachment. The proposed energy storage facility does not present special circumstances that outweigh this harm, especially given the presence of existing or planned facilities with less impact. A smaller development was previously refused on this site, and circumstances have not changed to justify a different decision. The narrow access route also poses significant safety risks during construction.

Campaign for the Protection of Rural England state that:

Environmental Impact Assessment - The cumulative impacts of similar committed or proposed development nearby should be taken into account (including permission RB2022/1767) when carrying out a screening assessment.

There is a national need for such types of facility but this does not mean that the planning balance should always fall in favour of them regardless of their impact. As local resident's point out, the proliferation of development of an industrial and urban character is threatening this locality and in the case of the current planning application it would have a significant adverse effect on environmental quality including the function and openness of green belt. As a local resident points out, there are less harmful locations that are better related to the existing transformer substation, locations which do not appear to have been investigated by the applicant.

## **Consultations**

RMBC - Transportation and Highways Design: No objections subject to conditions

RMBC – Ecology: No objections subject to conditions and notes the biodiversity net gain.

RMBC Drainage: No objections subject to conditions

RMBC Env Health: No objections subject to relevant conditions

SY Archaeology: No objections following additional information

SY Geology Trust: No objections

Yorkshire Water: No objections

Landscape Comments: No objections

South Yorkshire Mining Advisory Service: No objections

South Yorkshire Fire Service: No objections subject to conditions

Environmental Health: No objections subject to informatics

## **Appraisal**

The main issues are-

- The principle of the development
- Character and appearance
- The impact on local amenity
- Highway
- Ecology
- Very Special Circumstances

### The principle of the development

It is noted above that there are two independent planning applications on sites directly adjacent for 100mw each of Battery Energy Storage infrastructure. The principle of the development of both applications is identical and as both schemes could be implemented, it is necessary within the subsequent sections of this report to consider the potential cumulative impacts of both proposals.

The Local Plan does not identify any specific sites which would be allocated or developed solely for renewable or low carbon projects. However, Core Strategy Policy CS30 supports maximising energy efficiency and incorporation of low carbon and renewable energy sources. In addition, the supporting text within the Sites and Policies document states:

*“The Council will support renewable energy proposals unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development taking account of Core Strategy Policy CS 30 'Low Carbon & Renewable Energy Generation' and National Planning Practice Guidance for Renewable and Low Carbon Energy. This includes wider benefits arising from a clean, secure energy supply, reductions in greenhouse gases and other polluting emissions.”*

Whilst it is acknowledged that the proposed development on its own is not a low carbon or renewable technology, its role is to facilitate the transition to net zero carbon and move away from centralised large power stations by tackling the intermittency of such generation. In the absence of specific Local Plan Policy, the development is considered to be associated infrastructure and this is upheld in a recent planning appeal APP/P0119/W/20/3261646, paragraph 24 where the Inspector concluded: 'The appellant explains that the system flexibility will allow more reliance on intermittent low carbon renewable generation sources. As such, I would regard the proposed development as being a form of associated infrastructure to support the increased use of renewable and low carbon energy.'

NPPF paragraph 163 states, 'When determining planning applications for renewable and low carbon development, local planning authorities should...approve the application if its impacts are (or can be made) acceptable.'

However, Government guidance also makes it clear that the need for renewable energy does not override environmental protections and the planning concerns of local communities. When considering whether to support renewable energy developments, sufficient weight should therefore be given to landscape and visual impact concerns, concerns with regard to the potential loss of best and most versatile agricultural land and other planning considerations that relate specifically to renewable energy technologies.

## **Need for the Development**

The National Planning Practice Guidance (NPPG) supports the NPPF, and it states 'Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable'....' Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity'.

On the 23rd June 2021, the UK Government announced that it 'will set the world's most ambitious climate change target' to reduce emissions by 78% by 2035 compared to 1990 levels as part of its sixth carbon budget. The UK's carbon budgets place a restriction on the total amount of greenhouse gases the UK can emit over a five-year period. The target was informed by advice from the Climate Change Committee (CCC), which published a report on the UK's sixth carbon budget on the 9th December 2020. The CCC is a statutory body that was originally set up under the provisions of the Climate Change Act 2008. It advises the UK and devolved governments on the UK's progress in tackling climate change.

The target set in this carbon budget includes the UK's share of international aviation and shipping emissions. These emissions were excluded from the UK's previous carbon budgets. The sixth carbon budget was enshrined in law under the Carbon Budget Order 2021.

Preceding this, in June 2019, the UK Government said it was the first major economy in the world to pass laws to bring all greenhouse gas emissions to 'net zero' by 2050. It outlined that 'net zero' meant any emissions would be balanced by schemes to offset an equivalent amount of greenhouse gases from the atmosphere such as planting trees or using technology like carbon capture and storage. The Government stated that it would set out a 'net zero' strategy in the months before the COP26 summit (that took place in November 2021).

The Climate Change Act (amended in 2019) commits the UK to 'net zero' by the year 2050. The original Act as mentioned above (passed in 2008) committed the UK to an 80% reduction of greenhouse gas emissions by 2050, compared to 1990 levels. In 2019, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 was passed which increased the UK's commitment to a 100% reduction in emissions by 2050.

In November 2022, the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP27) was held. The summit brought together the signatories of the UN Framework Convention on Climate Change (UNFCCC) for formal negotiations, informal consultations and technical briefings. The UK's goals for COP27 were:

1. To secure global 'net zero' by mid-century and keep 1.5 degrees within reach (this is the target set under the Paris Agreement (Nov 2016) to limit global warming to 1.5 degrees Celsius, compared to pre-industrial levels).
2. To adapt to protect communities and natural habitats.
3. To mobilise finance.
4. To work together to deliver.

In its most recent progress report to Parliament the CCC (in July 2024) has recognised that the UK Government now has a solid 'net zero' strategy in place. Part of this strategy includes taking action so that by 2035, all our electricity comes from low carbon sources, subject to security of supply, bringing forward the Government's commitment to a fully decarbonised power system by 15 years, and by accelerating deployment of low-cost renewable generation from solar and wind farms linked to battery storage. However, the CCC has stated that important policy gaps remain and that 'tangible progress is lagging the policy ambition'. In short, with an emissions path set for the UK and the Net Zero Strategy published, greater emphasis must be placed on delivery.

In terms of the Government's latest position on battery storage schemes, this can be found in the Clean Growth Strategy (published in October 2017). The

strategy sets out a series of policies and proposals that aim to accelerate the pace of 'clean growth' (i.e. the delivery of increased economic growth and decreased emissions). To achieve clean growth, the Government identifies how 'the UK will need to nurture low carbon technologies, processes and systems that are cheap as possible'. This potentially includes ground mounted battery energy storage system developments such as that proposed within this current application.

The National Infrastructure Commission (NIC), the official advisor to the Government on infrastructure, states phasing out the use of fossil fuels to generate electricity, heat homes and power vehicles will reduce greenhouse gas emissions and is essential for the UK to meet its legally binding climate targets. Action is now urgent with only 12 years left to meet the Sixth Carbon Budget. This shift will also bring significant economic benefits. Shocks to oil and gas prices will have a much smaller impact on the cost of living. If the UK can move fast, some businesses should be able to become leaders in new low carbon technologies. And, in the longer term, electrifying the energy system should lower energy costs for households and businesses, boosting productivity. In its latest report (published in Oct 2023) the NIC also underlined the urgency and importance of several of its recommendations that stem from the National Infrastructure Assessment, including that the Government should deliver a highly renewable, flexible, 21st Century power system by 2035.

This situation is also recognised at a local level by Rotherham Borough Council. In 2019, the local authority declared a climate emergency and is now fully committed to supporting measures to work with partners to reduce carbon emissions. These measures arguably include considering proposals for new renewable energy installations such as that proposed for within this current application.

Battery storage plays a crucial role in the modern energy landscape, offering a means to balance supply and demand, store excess renewable energy, and enhance grid resilience. In England, the planning and implementation of battery storage projects have gained significant importance due to the country's commitment to reducing greenhouse gas emissions, increasing renewable energy generation, and transitioning to a more sustainable energy system. The need for battery storage in England is driven by:

- Renewable Energy Integration: The increasing deployment of wind and solar farms requires effective energy storage to manage fluctuations and optimise grid stability.
- Grid Resilience: Battery storage enhances grid resilience by providing quick responses to supply-demand imbalances and preventing blackouts during peak demand or supply shortages.
- Decentralised Energy: Battery storage supports the growth of decentralised energy systems, allowing the storage of excess energy close to the source of generation and/or use thereby reducing the need for expensive grid infrastructure upgrades.

- Electrification of Transport: The growth of electric vehicles (EVs) increases the demand for charging infrastructure and grid support, which can be provided by battery storage.
- Security of Supply: Will avoid the need for standby fossil fuel generation or importing electricity from abroad.

Overall, this is one of a number of mechanisms that will reduce electricity bills for UK consumers over time.

The remainder of this report examines whether or not the potential impacts arising from the proposed development would be acceptable in planning terms and considers those impact cumulatively with the adjacent proposed development.

### **Green Belt**

The application site is located within the Green Belt in the adopted Local Plan.

Policy CS4 'Green Belt' states that: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy".

Policy SP2 'Development in the Green Belt' states that: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...All new buildings should be well related to existing buildings, where relevant, and should be of a size commensurate with the established functional requirement."

In terms of the National Planning Policy Framework the proposed development does not constitute one of the exemptions outlined within paragraph 154 of the NPPF for new buildings and structures in the Green Belt. Therefore the proposed development would be inappropriate development in the Green Belt as defined by the NPPF which should not be approved unless very special circumstances can be demonstrated which outweigh the harm.

As set out in paragraph 153 of the NPPF and reiterated in the Local Plan, inappropriate development is harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC). Substantial weight should be given to this harm, and VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

However, paragraph 156 of the Framework states 'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.

In terms of the impact of the openness on the Green Belt, the NPPF states that the most important attribute of Green Belts is their openness. The applicant has submitted a Green Belt justification document which concludes that:

*"The proposed Development would not negatively impact upon the five stated purposes of the Green Belt. Very Special Circumstances have been identified which should be given significant weight in the planning balance. Whilst there would be some effects on openness in both spatial and visual terms, these are very limited in terms of the surrounding context, the low scale of development, and proposed additional planting."*

It is not accepted that there would be no impact on the purposes of designating land as green belt or that there would be limited impact on the openness. The considerable change from a rural field to a compact industrial setting together with the adjacent proposal represents an extensive development of industrial nature including a considerable number of structures, fencing and access roads would both individually and cumulatively reduce the openness of the Green Belt.

The proposals would be visible from Moat Lane and surrounding areas and whilst some of these views would be limited due to existing trees/hedgerows and the infrastructure would be seen in the context of the adjacent substation, the facility would undoubtedly encroach into open Green Belt and conflict with the purposes of including land within it.

The applicant has provided good quality landscaping areas around the site, although these will take time to mature and will not overcome the loss of openness at this Greenfield site which is currently largely devoid of development.

A facility which will be used for approximately 35 years is not a short-term installation, and the harm to the Green Belt would be long-term in nature, even if the site was to be fully reinstated back to agriculture after the facility has been decommissioned.

The wider environmental and social benefits of the proposal therefore need to be significant in order demonstrate VSC. The Green Belt Justification Report argues that the wider environmental and social benefits of the proposal as a mechanism to facilitate the efficient delivery of renewable and low carbon energy and reducing electricity bills outweigh the harm to the Green Belt, amounting to the VSC needed to justify the proposal at this site. Officers agree that battery storage infrastructure has a key role to play in ensuring homes and businesses can be reliably powered by green energy, and that the benefits of this infrastructure should be a material consideration.

The Overarching National Policy Statement for Energy (EN-1) has recently been updated (November 2023) and identifies electricity storage as an important element in the diverse mix of electricity infrastructure needed to come forward so that the country can deliver a secure, reliable, affordable and

net zero consistent system during the transition to 2050 for a wide range of demand, decarbonisation, and technology scenarios. Paragraph 3.3.25 states that storage infrastructure has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.

Whilst national policy and guidance indicate a clear and pressing need for energy storage infrastructure, Officers need to be satisfied that there is no alternative location available for the proposal other than this sensitive Green Belt location and a robust site selection justification is needed. The location of a development of this type is dependent upon very specific criteria in that it can only be connected into the local electricity network where there is capacity to import and export electricity. This point of connection to the network therefore dictates the location of the site, which can only be placed on land which is commercially available and viable and of a specific size. Supporting information submitted with this application states that:

“The selection of Thurcroft substation for Planning Application RB2024/0063 is underpinned by rigorous technical analysis and strategic alignment with national energy policy objectives. Failure to capitalise on available Grid Offers poses risks to grid stability and consumer prices. Therefore, prudent consideration of substation capacity and proximity is paramount in decision-making processes pertaining to planning application”.

In addition the applicant has confirmed that they have a valid and signed connection agreement in this location. The location of such infrastructure should be given weight where there is capacity within the Grid and at the location identified. In this instance both this application and the adjacent planning application have valid grid connection agreement which confirms capacity and a genuine need for the development in this location.

Paragraph 163(b) of the NPPF advises that developments should be located where impacts are, or can be made, acceptable. Officers have considered this point carefully, to decide whether the application site – within the catchment of a grid supply point, immediately adjacent to a substantial substation, together with the existing and proposed landscaping – would meet this policy requirement.

In support of the proposals, the applicant has provided a Landscape and Visual Appraisal, the site is gently rolling to the north, east and south. There are no prominent topographical features within the study area. The localised character is heavily influenced by the presence of surrounding electricity infrastructure sites, prominent pylons and the M18. Due to the gently rolling landform, the surrounding mature vegetation, and the electricity substation to the south, the site has very limited visibility to the south, east and west with some mid-range views to the north. Views to the east and west are curtailed by the site's boundary hedgerows and adjacent vegetation, with only power lines visible above. To the south only the views of the electricity substation and surrounding pylons are possible over the boundary vegetation, dominating the skyline. To the north there are mid distance views from the

sites boundary towards Wickersley seen over agricultural fields, with Wickersley Wood, King's Pond Plantation and residential properties. Large electricity pylons and transmission lines are present which are detracting features, running north parallel with the M18. The construction of building elements, together with associated traffic, parking, lighting and security fencing can temporarily but substantially change the landscape character of an area and impact upon its existing visual and/or recreational amenity. In summary, the applicant has attempted to ensure that the Local Planning Authority has been provided with a comprehensive analysis of viewpoints and visual receptors.

Landscape has two separate but closely related aspects; firstly is the impact on the character of the landscape which includes responses that are felt toward the combined effect of the development. The significance of this will depend partly on the number of people affected and also on the judgements about how much the changes will matter in relation to the human senses of those concerned. Secondly, visual impact, in contrast to landscape character, is perhaps less prone to being subjective. Visual impact may occur by means of intrusion and/or obstruction, where visual intrusion is impact on the view without blocking it and visual obstruction is impact on a view that would be hidden by the development.

Visualisations of the proposals have also been prepared by the applicant. The visual effects are generally localised and limited due in most part to dense intervening mature vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme formed by the adjacent substation and the existing pylons. For the proposed site and the surroundings during construction, an increase of delivery vehicles and people travelling to the works can be expected. These effects will be short lived however and will not require mitigation during the construction process.

The visual impact of the development on the open countryside has been assessed at worst case scenario, as moderate (i.e. a material change). Once the mitigation measures have established and are acting as a dense visual barrier, the BESS units and related elements will not be visible on the site due to their relatively small scale, resulting in a neutral effect. This planting is shown on the soft landscape proposals that accompany the application.

In summary, the applicant has attempted to ensure that the Local Planning Authority has been provided with a comprehensive analysis of viewpoints and visual receptors. With suitable mitigation measures, the development will have a moderate visual impact and a minor landscape impact (i.e. not a material change). Overall, it is considered that the applicant has in this instance gone as far as is reasonably practicable to mitigate the visual effects of the proposal. Of course, some effects on landscape and visual receptors within a local context would remain. However, the only way to address this impact further would be to either significantly reduce the size of the installation or ultimately refuse the application. It should nevertheless be noted that whilst the proposed development would be appreciated from some wider vantage points, it is recognised that in the main the impacts would be relatively

localised. In order to reduce the potential visual impacts, the applicant has proposed a scheme of landscaping within and around the site.

This includes the following:

- Management and retention of the native tree and hedgerow planting that sits around the site boundary;
- Additional native species planting around .... A mixture of age ranges of native species will be used to ensure longevity of the visual barrier that will link into the existing green infrastructure network;
- Built elements set back from boundaries to allow growth of boundary vegetation; • The use of materials for the external envelope of the buildings which minimise potential visual intrusion to aid visual blending.

It is clear that the above described landscaping would not eliminate all appreciation of the development from nearby vantage points. Overall, however, and considering what is being proposed landscaping wise by the applicant, it is noted by officers that any remaining appreciation would be low particularly once the new planting has established and matured. To ensure this outcome, the proposed landscaping plan has been conditioned as well as requiring biodiversity enhancement plan.

In summary, it is inevitable that the development if allowed to progress would alter the landscape character of the local area, with any future paraphernalia contrasting with the agricultural, recreational and wider residential uses of the area. However, the visual impact of the BESS installation would gradually reduce as the maturing landscaping proposed softens the edges of the site. Furthermore, once fully established, the landscaping should provide an effective screening of the BESS from the most localised views and from the parts of the public rights of way network closest to the site. In the planning balance, when considering visual impact, account needs to be given to the public benefits of the proposal. These are:-

- (1) addressing climate change,
- (2) increasing renewable energy provision within Rotherham borough,
- (3) the notable provision of additional landscape and wildlife features and
- (4) the mitigation measures being proposed to minimise the effects.

In the view of officers, these public benefits outweigh the adverse effects on the Green Belt, landscape and visual receptors that have been identified above and that would result from the development being sited in this location. These benefits are considered to 'tip the scales' in favour of permission being granted.

In considering the cumulative impact of the proposal along with the development proposals for the adjacent site, it is clear that both applications are similar in their mitigation and both represent inappropriate development. Together the schemes (if both developed would result in a Battery Storage facility of 200mw). It is not unusual for single proposals of this size to be located close to major grid connection points and whilst these applications are

provided by two separate operators they could clearly both be delivered. When considered in isolation the applications are both acceptable in principle as very special circumstances are considered to exist to outweigh the harm to the Green Belt by virtue of the inappropriate development and defined harm. Whilst, as mentioned in preceding sections, it is clear that there will be some visual impact as a result of these proposals, both have valid grid connections and have identified through site selection criteria that there is capacity in this location for the infrastructure. It is not considered that the cumulative impact of the proposals would change the conclusion that has been reached individually and set out within the body of this report.

It is therefore concluded whilst the proposed development is inappropriate by definition, very special circumstances have been demonstrated that overcomes its inappropriateness and outweighs the limited harm to the Green Belt. The proposed development complies with the relevant paragraphs of the NPPF; as well as SP 69 'Utilities Infrastructure', Core Strategy policies CS4 and CS30.

It is further considered that the proposal would therefore be in compliance with policies SP 69 'Utilities Infrastructure', SP55 'Design Principles', CS21 and CS28 of the adopted Rotherham Local Plan.

#### The impact on local amenity

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 proposed development would be sited approximately 50m from the nearest residential property. The main issue therefore is the potential for increased noise and disturbance to this and other properties, particularly low frequency noise emissions. Environmental Health have considered the noise impact on the surroundings and there is concern that may not have been adequately assessed in accordance with criteria BS4142:2014. However, it is considered that noise from the development should not exceed 0dB above background at the nearest NSR (which is achievable according to the noise report). Notwithstanding this the likely noise impact is considered acceptable subject to a final noise condition to be discharged.

It is also considered that there is the potential for future noise generation during the construction phase. The Council's standard informative regarding working practices and the Environmental Protection Act 1990 shall be appended to any decision together with a condition requiring the submission of a Construction Management Plan.

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.

### Highway Safety

The new proposed battery storage, will not generate any significant day to day traffic, as the site would not require any permanent staff. Some occasional visits will be required by engineers to ensure the site is operational safely and efficiently. The main highway issues will relate to the construction phase, which will involve the delivery of heavy plant etc. As such a construction management plan condition has been attached to ensure that deliveries will be safe not cause undue disturbance to neighbouring residents.

In addition, works are proposed to Moat Lane which is unadopted and this is considered to improve the access to the site. Overall, it is not considered that there would be a detrimental impact on highway safety.

### Ecology

Policy CS20 'Biodiversity & Geodiversity' states that priority will be given to; "supporting the positive management and protection of nationally, regionally and locally designated sites for nature conservation". CS20 gives priority to; "conserving and enhancing sites and features which have demonstrable biodiversity and geodiversity value, including woodland, important trees, hedgerows, watercourse,...but which are not included in designated sites".

SP33 'Conserving & enhancing the natural environment' states that: "Development should conserve and enhance existing and create new features of biodiversity ..value". It also states that: "Planning permission will not be granted for development that is likely to, directly or indirectly, result in the loss or deterioration of sites, habitat or features that are considered to be irreplaceable due to their age, status, connectivity, rarity or continued presence unless the need for, and benefits of, the development in that location clearly outweigh the loss".

NPPF paragraph 174 states that: "Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefit"

The application includes an ecology report which concludes that the scheme could achieve a 38.8% biodiversity net gain. The Council's Ecologist agrees with the findings of the report and since the original submission the level of

landscaping has been increased to minimise the visual impact. As such the biodiversity net gain should be achieved.

As such without any preliminary ecology report the proposal would accord to Local Plan Policies CS20, SP33 and the NPPF.

### Drainage

There is no significant flood risk to the site, as noted in the flood risk assessment.

The Council's Drainage section have raised no objections subject to conditions. However, according to the Environmental Agency's flood maps, there is a small area of surface water flood risk at the northern part of the site. The applicant should ensure that the development will be resilient against any potential flood risk. Further information about flood risk is available on the gov.uk website under the flood warning information service and the Environment Agency's website.

Their records do not show any sewers within the site boundary. In light of the above there are no drainage concerns with the proposal.

### Agricultural land classification

It is recognised by Government that there is 9.2 million hectares of farmland in England but that there is no direct correlation between the UK land area farmed and agricultural output. According to the Food Strategy policy paper, 57% of agricultural output comes from just 33% of the farmed land area. It follows therefore that it should be possible to target land use change towards the least productive land, to increase the environmental benefit from farming and to increase yields with minimal impact on food production. This is a point reflected in footnote 62 pursuant to NPPF paragraph 181 which states 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality'.

With regard to this current application, the site is not identified within the Local Plan as a location within the borough with the potential for large-scale energy development. Instead, the site is identified as being agricultural in nature. However, whilst this is an important consideration, it does not in itself mean that the Council should resist the current proposal. It does nevertheless mean that in coming to a balanced view on whether to support the current application or not the Council should satisfy itself that: (1) the applicant has accurately identified the existing quality of the land in question, and (2) in requiring the use of agricultural land, the applicant has given proper consideration to other possible sites within reasonable distance to the application site (and with a connection point to the National Grid) where the land is of poorer quality.

The application is supported by an Agricultural Land Classification Report (ALC) in terms of the agricultural classification the site is considered to be 3b

(medium) quality. In short, the ALC report (if accepted) suggests that the land on which the BESS would be located is of a poorer sub-grade. This weighs against any suggestion that the application should be refused purely on the matter of loss of agricultural land as in this instance it is not B&MV.

With respect to site selection, the applicant has set out in the Planning Statement a series of criteria which they believe should be used for considering alternative sites: proximity to the National Grid, flood risk, road access, location of utilities infrastructure etc. By their very nature such storage facilities need to be located close to major National Grid infrastructure, which in the majority of cases is located in rural areas, surrounded by agricultural land.

For the reasons set out above, officers have concluded that the applicant has provided sufficient information to demonstrate that the proposal would not result in a substantial loss of B&MV agricultural land due to the scale of the operations and it is not therefore considered to be of any local significance in terms of its potential loss.

#### Other Considerations:

##### Battery safety

A Battery Safety Report has been submitted due to the type of development being proposed. As per recent PPG on Battery Energy Storage Systems, applicants are encouraged to engage with the local fire and rescue service before submitting an application to the LPA. The Battery Safety Report submitted with the application acknowledges this point, and considers guidance produced by the National Fire Chiefs Council as indicated in the PPG, however there is no evidence of pre-application consultation with Surrey Fire and Rescue Service.

Nevertheless, the South Yorkshire Fire Service have been consulted to provide their views and identify potential mitigations which can be put in place in the event of an incident. The Applicant should liaise directly with Surrey FRS to prepare a full Emergency Response Plan for the BESS development pre-construction when all the detailed design for the site has been completed.

Planning conditions would be attached to any approval to ensure a Risk Management Plan and Emergency Response Plan is developed in consultation with the Fire and Rescue Service, as per National Fire Chiefs Council guidance

#### **Conclusion**

The proposed development is inappropriate by definition and very special circumstances have been demonstrated that overcomes its inappropriateness and outweighs the limited harm to the Green Belt. The proposed development complies with the relevant paragraphs of the NPPF; as well as SP 69 'Utilities Infrastructure', Core Strategy policies CS4 and CS30.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 06, 08, 15, 19 and 22 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 06, 08, 15, 19 and 22 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 shall be valid for 35 years and at the end of that period all structures hereby approved shall be wholly removed and the site restored in a manner to be agreed with the Local Planning Authority.

### **Reason**

Due to the inappropriate nature of the development and its impact on the openness of the Green Belt

03

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

Proposed Landscape Plan 1554 – 005

Welfare & Storage Containers Rev 1.0

Battery Container Details Rev 1.0

Boundary Fence Rev 1.0

Inverter Unit Rev 1.0

Proposed Site Plan 002 Rev 2.0

Control Room Rev 1.0  
Transformer Rev 1.0

**Reason**

To define the permission and for the avoidance of doubt.

**04**

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form and approved drawings. The development shall thereafter be carried out in accordance with these details.

**Reason**

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

**Highways**

**05**

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

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

The area shall thereafter be maintained in a working condition.

**Reason**

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

**06**

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

**Reason**

In the interest of highway safety and neighbour amenity

**07**

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

**Reason**

In the interest of highway safety

08

Prior to the commencement of development a highway condition survey shall be undertaken by the developer with the Council's Highways Adoptions Officer in Moat Lane to establish the existing condition. Upon completion of the works a further highway condition survey shall be undertaken and any remedial works required as a result of the development shall be implemented.

Reason

In the interest of highway safety

Neighbouring Amenity

09

All items of noise generating plant shall be positioned as shown in the Proposed Site Layout Plan (Project No. 41, Drawing No.002, Revision 2.0, dated 9th May 2023) provided in support of the application.

Reason

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

10

The Sound Power Level (LWA) of each item of noise generating plant shall not exceed those set out in paragraph 4.2 of the Noise Impact Assessment by Hepworth Acoustics dated May 2023 (Report No: P23-109-R01v1).

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

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.

12

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.

13

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.

**Reason**

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

Landscaping

14

Landscaping of the site as shown on the approved plan (Weddle Landscape drawing no. 1554- 005) shall be carried out during the first available planting season after commencement of the development and thereafter maintained for the lifetime of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

**Reason**

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

15

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations This shall be positioned in accordance with details as shown on the Weddle Tree Protection Plan 1554 - 003. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

**Reason**

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity

16

No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans

and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

**Reason**

In the interests of the visual amenities of the area

**Ecology**

17

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

**Reason**

In the interest of ecology

18

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31<sup>st</sup> 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 the interest of ecology

19

No development shall commence until Biodiversity Enhancement & Management Plans (BEMPs) for each site have been submitted to and approved in writing by the Local Planning Authority. The Plans shall provide a:

- i) Description and evaluation of features to be managed and enhanced; including
  - a) Description of new landscape planting incorporating native plant species
  - b) Gaps of suitable dimensions (130mmx 130mm) should be provided at the foot of permanent perimeter and boundary fences at selected points to permit the movement of hedgehogs around the site post construction.
  - c) To ensure that holes are kept open 'Hedgehog Highway' signage should be provided (sourced by Peoples Trust for Endangered Species and/or British Hedgehog Preservation Society) and secured above the holes.

- d) The location and number of bat roosting features should be included within the new residential properties
- e) The location and number of bird nest boxes should be integrated into the new residential properties.

- ii) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- iii) Aims and Objectives of management;
- iv) Appropriate Management Actions for achieving Aims and Objectives;
- v) An annual work programme (to cover an initial 5 year period);

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

The Plans shall be reviewed and updated every 5 years to ensure their aims and objectives are being met. The approved Plans will be implemented in accordance with the approved details.

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

**Reason**

To ensure no net loss in biodiversity across the sites.

**Fire Safety**

20

The development shall be constructed in accordance with the submitted drainage plan 23099-DR-C-0101 P1. The proposed measures shall be undertaken prior to the development coming on line.

**Reason**

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

21

Prior to the development being brought into use details of a Fire Risk Management Plan and Emergency Response Plan shall be submitted to and agreed in writing by the Local Planning Authority. The agreed plans shall be adhered to for the lifetime of the development.

**Reason**

In the Interest of fire safety

22

Prior to the commencement of development, details of the need for fire water mitigation measures shall be submitted and approved by the Local Planning Authority. Where fire water mitigation is required, details of adequate retention of water in the event of a fire shall be submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the operation of the equipment hereby approved.

**Reason**

In the Interest of fire safety

**Drainage Informatiive:**

01

Battery Storage Energy Systems (BESS) have the potential to pollute the environment. Applicants should consider the impact to all environmental receptors

during each phase of development. Particular attention should be applied in advance to the impacts on groundwater and surface water from the escape of firewater/foam and any contaminants that it may contain. Suitable environmental protection measures should be provided including systems for containing and managing water run-off.

The applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. Appropriate procedures should be provided that clearly illustrate how contained firewater will be managed, including sufficient details for safe and permitted off-site disposal. Further Government guidance on considering potential risks of BESS in planning

Environment Agency

Lateral 8 City Walk, LEEDS, LS11 9AT.

Customer services line: 03708 506 506

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

applications is available online: Renewable and low carbon energy - GOV.UK ([www.gov.uk](http://www.gov.uk))

02

Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market.

The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, DEFRA does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.

However, an important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive

side, the regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation.

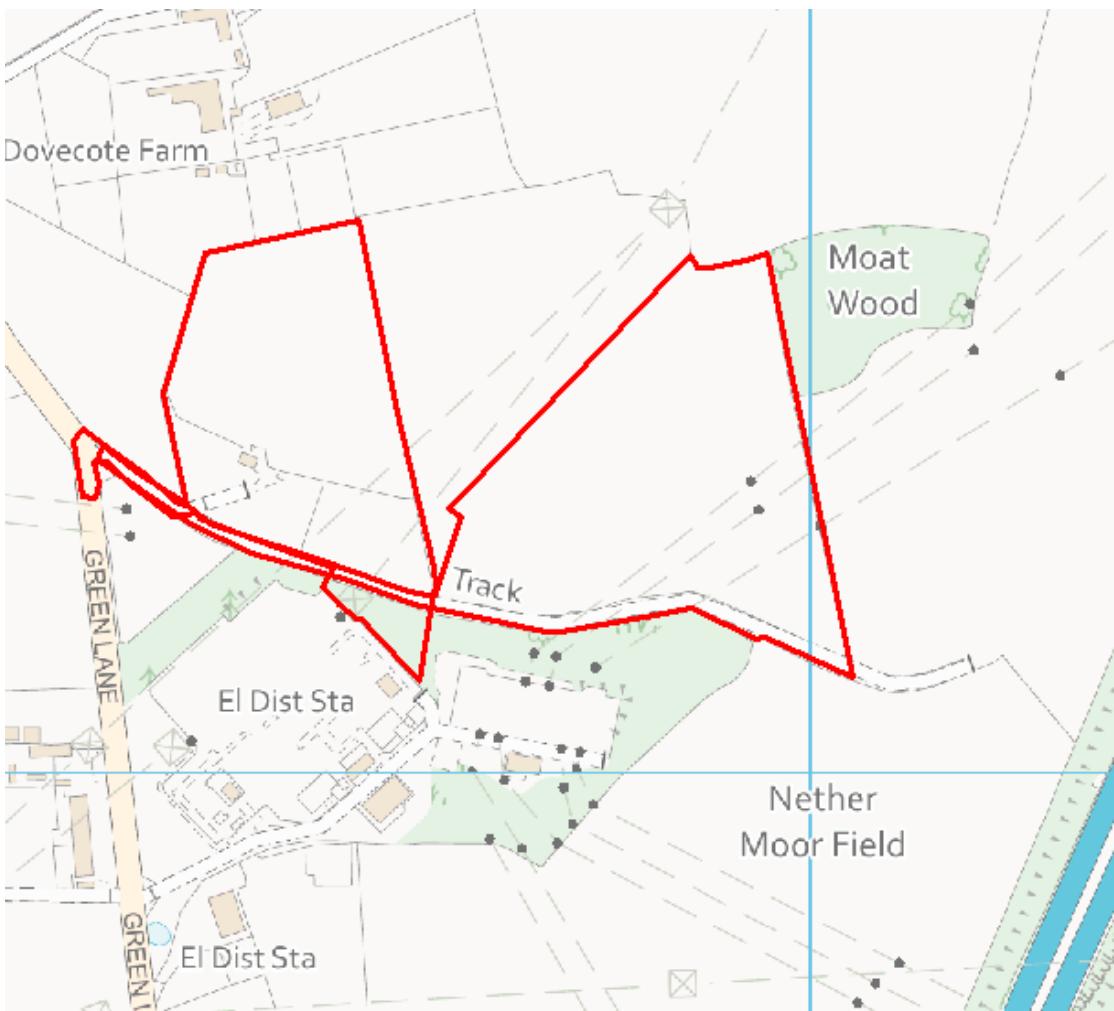
The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

## 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>	RB2024/0321 <a href="https://rotherham.planportal.co.uk/?id=RB2024/0321">https://rotherham.planportal.co.uk/?id=RB2024/0321</a>
<b>Proposal and Location</b>	Erection of 100mw battery storage facility, creation of bund and associated earthworks and other associated works, land off Moat Lane, Wickersley
<b>Recommendation</b>	Grant Conditionally



## Site Description & Location

The application site consists of 2.11 hectares of land located in an agricultural area near Thurcroft Substation. The site features gentle slopes and is primarily surrounded by farmland, with some nearby residential properties along Moat Lane and Green Lane. It is situated approximately 250 meters southeast of Wickersley and 800 meters northwest of Thurcroft, lying just outside the development boundaries of Wickersley. The site benefits from existing access via Moat Lane, which connects to major roads leading to the M18.

## Background

The site includes a number of applications relating to agriculture. In 2017 an application for a 50mw Battery Storage Facility on adjacent land was

recommended for approval at Planning Board and Members were disposed to refuse the application for the following reasons:

01

The proposal constitutes inappropriate development in the Green Belt and the Council considers that the cumulative impact of the proposed battery storage scheme along with that scheme approved to the south of the Thurcroft substation site (reference RB2017/1426) would lead to an unacceptable adverse impact on the openness of the Green Belt and to an unacceptable degree of encroachment in this location. This impact would be emphasised due to the location of the site in the middle of the agricultural field. The proposal would have an inferior access to the site compared to that at Green Lane in view of the limited width of the adopted highway to the south of the junction with the access track, and the access track itself which is used by recreational walkers, such that the introduction of large commercial vehicles would increase the risk of conflict with other road users. No very special circumstances have been demonstrated to overcome the harm caused and the proposal is considered to be contrary to Core Strategy Policy CS4 Green Belt and to the aims of the NPPF.

The application was subsequently subject of an appeal which was dismissed. The appeal decision concluded that the proposed development was inappropriate development within the Green Belt with no very special circumstances to outweigh that harm. Since this appeal decision, it has been widely accepted that Battery Energy Storage proposals are a form of renewable energy which is encouraged in principle at National and Local level.

On adjacent land Planning Permission has recently been approved for a similar 50WM battery storage facility:

RB2019/1343 - Siting of a 50MW battery storage facility consisting of 22 battery containers, 24 inverters, 13 transformers, 3 T-boost stations, 2 back-up generators, customer substation, control room, 66kv switchgear equipment, welfare & storage containers and 2.4m security fencing - GRANTED CONDITIONALLY

RB2019/1900 - Non-material amendment to application RB2019/1343 to include replacement of 2.4m wire fencing with 2.4m timber acoustic barrier on the southern boundary and 15m of the west boundary – GRANTED

In addition to these previous apps, the Council is also considering an adjacent site on Moat Lane RB2024/0063 for a similar battery storage scheme.

#### Recent Appeal Decisions

More recent appeal decisions appear to take the view that in assessing the benefits of the scheme, such developments would facilitate greater use of renewable energy sources. It would also give more flexibility to the energy system, benefit energy security and help meet net zero targets key to

addressing climate change. National energy policy EN-1 states that electricity storage has a key role to play in achieving these objectives. This, is consistent with NPPF policy on low carbon development which states that significant weight should be given to the contribution to renewable energy generation and a net zero future.

In the green belt balance inspectors have concluded that the scheme's benefits clearly outweighed the harm to the green belt and landscape. Therefore, very special circumstances existed which justified the development.

#### EIA screening opinion

The proposed development falls within the description contained at Paragraph 10 (b) 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 proposal exceeds 50MHW.

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

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 impact within the locality.

Whilst there are some cumulative impacts in terms of the adjacent development RB2024/0063 and nearby battery storage approvals, these impacts are not considered to warrant an Environment Impact Assessment.

#### **Proposal**

The proposed development involves the construction of a Battery Energy Storage System (BESS) with a capacity of up to 100 MW on a site covering 2.11 hectares near Thurcroft Substation in Wickersley, Rotherham. The key components of the development include:

- 26 high-efficiency BESS containers housed within individual units.
- 26 transformer units to support the BESS.
- Two customer switch-rooms and an auxiliary transformer.
- A 2.4 metre high palisade fence and acoustic fencing to mitigate noise.

- Landscaping features including a bund (1.8-2.2 meters in height) with additional tree and shrub planting to screen the site and enhance visual amenity.
- An internal access road will be constructed, connecting the site to an existing access from Moat Lane.

Whilst this application must be considered on its merits and determined in accordance with S38 of the Planning and Compulsory Purchase Act, it must be noted that an application on the site directly adjacent is concurrently being considered under application reference RB2024/0068. This application also proposes Battery Storage of 100mw and the proposals could both be implemented. It is therefore necessary to consider the cumulative impact of these proposals.

The BESS facility is intended to store and supply electricity to the grid, supporting energy demands when renewable generation is low and absorbing excess electricity during low demand periods. The facility will be connected to the nearby Thurncroft Substation via an underground cable, ensuring minimal visual and environmental impact. The development is designed to be reversible, allowing the land to be restored to its former state after the facility's operational life of up to 40 years. The project includes comprehensive landscaping and noise mitigation measures to minimize its impact on the surrounding area.

The Applicant's Flood Risk Assessment states that:

This report assesses the potential increase in surface water runoff attributed to the proposed development and proposes a surface water management strategy to manage this. The strategy is in accordance with sustainable drainage principles and allows the site to remain free of flooding during design storm events, whilst ensuring no increase of flood risk to offsite receptors and ensures no deterioration of the water environment.

Taking all of the above into account it is considered there is no impediment to the development proposals being granted planning permission on the grounds of flood risk and drainage provision.

The Applicant's original noise assessment indicated that all external battery and transformers units noise contributions will be at most, 4.5 dB above the existing measured background during the daytime reference period and at most 0.3 dB above during the night-time reference period. Noise impacts arising from the cumulative operation of fixed plant items is therefore predicted to be below the LOAEL.

A revised Noise Assessment has been submitted following consultation with the Environmental Health team. This now shows that the equipment will not generate noise exceeding the background noise levels and a condition is recommended to this effect.

The Applicant's Health and Safety Fire risk document states that:

This document outlines the health, safety, and fire risk mitigation strategies for a 100MW Battery Energy Storage System (BESS) planned for a site north of Moat Lane, Wickersley. It details the key regulations and guidance that Harmony Energy must adhere to and considers evolving fire safety guidelines from the National Fire Chiefs Council (NFCC). The document will evolve as the project progresses, informing emergency plans once battery suppliers are selected.

Harmony Energy, a leading developer and operator of BESS installations in the UK, has a strong safety record across its sites, including Europe's largest BESS at Pillswood, near Hull. The company actively engages with local fire services, encouraging them to familiarize themselves with the technology and emergency procedures at their sites.

#### **Key Statutory Guidance and Regulations**

Harmony Energy complies with a range of statutory health, safety, electrical, and fire safety regulations, including:

Health & Safety at Work Act 1974

Management of Health & Safety at Work Regulations

Fire Safety Order

CDM Regulations 2015

Electricity at Work Regulations

Provision and Use of Work Equipment Regulations (PUWER)

In addition, BESS installations conform to industry standards such as NFPA855.

#### **Other Guidance (Non-Statutory)**

Non-statutory guidance includes the NFCC's planning guidance for grid-scale BESS systems.

#### **Site Context of Electrical Equipment**

The BESS project will include battery containers, transformers, switchgear, cabling, and control equipment. This equipment, used in most grid-scale and renewable energy projects, has a low failure and fire risk rate, complying with relevant UK standards and legislation.

#### **BESS Design & Construction**

Harmony Energy uses reputable manufacturers with excellent safety records for all BESS installations. Since 2021, all BESS chemistry on Harmony Energy sites has used Lithium-ion Iron Phosphate (LFP). The design includes multiple safety measures, such as thermal management systems, 24/7 monitoring, and fire prevention features.

#### **Testing of Fire Safety Systems**

Fire safety systems and other equipment will be rigorously tested both at the factory and on-site to ensure compliance with NFPA855 and other relevant standards. Insurers require proof of these certifications before insuring any project.

### Information for Fire Services

Harmony Energy engages with local fire services, providing them with the necessary information and training to respond to emergencies. A risk management plan and emergency response plan will be developed and shared with the fire services before construction begins.

### Water Supply and Access

The site will have a 5.5m wide access road suitable for emergency vehicles. The nearest water supply point is on Moat Lane, and further consultations with fire services will confirm the water supply arrangements. The site's drainage system is designed to contain firewater in the event of a fire.

The Applicant's Ecology report states that:

The PEA has successfully achieved the objectives of the report, as evidenced by the following points:

The key habitats identified on the site include modified grassland, broadleaved woodland, hedgerows, trees, mixed scrub, and other developed land. These are detailed in Section 3 of the report.

Potential ecological constraints were identified, including the suitability of the site for great crested newts and common amphibians, nesting birds, commuting and foraging bats, hedgehogs, badgers, and ancient woodland. Details of these constraints are provided in Section 4.

Mitigation measures to be implemented before and during the construction phase for great crested newts and common amphibians, nesting birds, commuting and foraging bats, hedgehogs, badgers, and ancient woodland are also outlined in Section 4.

Additional surveys for great crested newts are recommended to confirm their presence or likely absence within the landscape, as detailed in Section 5.

General ecological enhancements are outlined in Section 6.

### **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 (adopted June 2018)

The application site is allocated Green Belt in the Sites and Policies Document. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan Policies

Core Strategy policy(s):

CS2 – Landscape  
CS4 - Green Belt.  
CS19 – Green Infrastructure  
CS20 'Biodiversity & Geodiversity'  
CS28 - Sustainable Design  
CS30 'Low Carbon and Renewable Energy Generation'

Sites and Policies Document:

SP2 – Development in the Green Belt  
SP32 – Green Infrastructure and landscape  
SP33 - Conserving & enhancing the natural environment  
SP55 - Design Principles  
SP69 - Utilities Infrastructure

### **Other Material Considerations**

The NPPF 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.

Wickersley Neighbourhood Plan.

### **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 101 letters of support have been received and 20 letters of objection have been received including one from Wickersley Parish Council.

The letters in support state:

- The proposal is in accordance with the Government's vision for battery storage and achieving net zero.
- Creation of Green Jobs
- Well Landscaped scheme
- Will help to bring down energy bills

The objectors states:

- Inappropriate development in Green Belt land: The proposals represent inappropriate development in the Green Belt, contrary to national and local planning policies. The fundamental aim of Green Belt policy is to prevent urban sprawl and keep land permanently open.

- Loss of open countryside and agricultural land: The developments would result in the loss of high-quality agricultural land and open countryside, which is needed for food production and should be preserved, especially given the growing population.
- Harm to rural character and landscape: The industrial nature of the battery storage facilities would be incompatible with the rural character of the area, damaging the landscape and views from surrounding areas.
- Insufficient justification/lack of "very special circumstances": The applicants have not demonstrated the "very special circumstances" required to justify inappropriate development in the Green Belt. The potential harm to the Green Belt is not outweighed by other considerations.
- Cumulative impact of multiple battery storage facilities: There are concerns about the cumulative impact of multiple battery storage facilities in close proximity, with fears that the area is becoming industrialized. Several applications and approvals have already been made for similar facilities nearby.
- Inadequate access roads for construction traffic: The narrow lanes (Green Lane and Moat Lane) are unsuitable for the heavy construction traffic required for building and maintaining the facilities. This would cause damage to the roads and create safety hazards.
- Safety concerns for other road users: The increase in traffic, especially large vehicles, would pose significant safety risks to pedestrians, cyclists, horse riders, and dog walkers who regularly use the quiet lanes for recreation.
- Noise and light pollution: The facilities would generate noise during operation and require lighting, which would disturb local residents and wildlife, altering the quiet rural nature of the area.
- Visual impact and industrialization of rural area: The large-scale industrial facilities would be visually intrusive in the open countryside, with concerns about the effectiveness of proposed screening measures.
- Disruption to wildlife and local ecology: The construction and operation of the facilities would harm local wildlife habitats and disrupt established ecosystems in the area.
- Flood risk and drainage issues: There are concerns about increased flood risk and drainage problems due to the extensive groundworks and concrete foundations required for the facilities.

- Fire safety concerns: The risk of fires at battery storage facilities is a significant worry, with questions about the adequacy of fire prevention measures and the ability of emergency services to access the sites quickly.
- Lack of local benefits/purely commercial development: The proposals offer little benefit to the local community and appear to be driven solely by commercial interests rather than local needs.
- Insufficient public consultation: Some residents feel they have not been adequately informed or consulted about the proposals, particularly given the significant impact on the local area.
- Precedent for further development on Green Belt: Approving these applications could set a dangerous precedent for further erosion of Green Belt protections in the future.
- Impact on recreational use of area: The developments would negatively affect the enjoyment of the countryside by local residents and visitors who use the area for walking, cycling, and other recreational activities.
- Harm to amenity of nearby residents and local businesses: The proposals would have a detrimental effect on the quality of life for nearby residents and could impact local businesses, including an animal rescue charity located on Moat Lane.
- Alternative brownfield sites should be considered first: Objectors argue that alternative sites, particularly brownfield land, should be fully explored before considering development on Green Belt land.
- Concerns about multiple applications wearing down local opposition: There is a worry that repeated applications and appeals are designed to wear down local opposition and planning authorities, rather than addressing fundamental issues with the proposals.

Wickersley Parish Council states that:

- Impact on the Green Belt: The Council argues that the development would have a detrimental effect on the openness of the Green Belt, which serves to separate Wickersley and Thurcroft. The project is seen as inappropriate and incongruous, leading to the encroachment of the countryside. The Parish Council believes that the proposed mitigation measures, such as screen bunding and planting, are insufficient to address these issues.
- Visual Obtrusiveness: The development is considered visually obtrusive from various viewpoints. The Parish Council contends that

the impact of the development cannot be mitigated to an acceptable level, making it incompatible with the purpose of the Green Belt.

- Insufficient Justification: The Council acknowledges the benefits of energy storage in the context of transitioning to a low-carbon future but argues that these benefits do not outweigh the harm caused by the development. They highlight that, although the National Planning Policy Framework (NPPF) supports renewable energy projects, such projects should only be approved if their impacts are or can be made acceptable, which the Parish Council believes is not the case here.
- Alternative Sites: The objection points out that there is already an existing battery storage facility and consent for another nearby that would have less impact on the Green Belt. The Council suggests that the capacity for an additional facility should be utilized at these less intrusive sites rather than on the proposed open land.
- Cumulative Impact: The Parish Council is concerned about the cumulative effect of developing three battery storage facilities in close proximity, which they believe would significantly alter the character of the area, turning it into one with an industrial character. They refer to Policy CS30 of the Rotherham Core Strategy, which emphasizes the need to consider the landscape's capacity to accommodate renewable energy developments and the cumulative visual impact.
- Inadequate Access: The proposed access routes to the site via Green Lane and Moat Lane are described as inadequate, being narrow and in poor condition. The Council argues that the construction traffic would pose a danger to other road users, including pedestrians, cyclists, and runners, due to the lack of a footway and the narrowness of the roads. They also highlight the potential danger to dog walkers using the access track, which is regularly used despite not being a public right of way.
- Noise Disturbance: The Parish Council is concerned about the noise impact on nearby residential properties during the extended construction period. They argue that the noise assessment provided by the applicants does not adequately address the noise disturbance that would be caused during the construction phase, particularly given the proximity to residential areas.

## **Consultations**

RMBC - Transportation and Highways Design: No objections subject to conditions

RMBC – Ecology: No objections and notes the 53% biodiversity net gain.

RMBC Drainage: No objections

RMBC Env Health: No objections subject to relevant conditions to the amended noise report.

SY Archaeology: No objections

SY Geology Trust: No objections

Yorkshire Water: No objections subject to conditions

National Gas: No Objections

Landscape Comments: No objections

Environment Agency: No objections subject to informative

## **Appraisal**

The main issues are-

- The principle of the development
- The impact on local amenity
- Highway Safety
- Ecology
- Drainage
- Other Considerations

### The principle of the development

It is noted above that there are two independent planning applications on sites directly adjacent for 100mw each of Battery Energy Storage infrastructure. The principle of the development of both applications is identical and as both schemes could be implemented, it is necessary within the subsequent sections of this report to consider the potential cumulative impacts of both proposals.

The Local Plan does not identify any specific sites which would be allocated or developed solely for renewable or low carbon projects. However, Core Strategy Policy CS30 supports maximising energy efficiency and incorporation of low carbon and renewable energy sources. In addition, the supporting text within the Sites and Policies document states:

“The Council will support renewable energy proposals unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development taking account of Core Strategy Policy CS 30 'Low Carbon & Renewable Energy Generation' and National Planning Practice Guidance for Renewable and Low Carbon Energy. This includes wider benefits arising from a clean, secure energy supply, reductions in greenhouse gases and other polluting emissions.”

Whilst it is acknowledged that the proposed development on its own is not a low carbon or renewable technology, its role is to facilitate the transition to net zero carbon and move away from centralised large power stations by tackling the intermittency of such generation. In the absence of specific Local Plan Policy, the development is considered to be associated infrastructure and this is upheld in a recent planning appeal APP/P0119/W/20/3261646, paragraph 24 where the Inspector concluded: 'The appellant explains that the system flexibility will allow more reliance on intermittent low carbon renewable generation sources. As such, I would regard the proposed development as being a form of associated infrastructure to support the increased use of renewable and low carbon energy.'

NPPF paragraph 163 states, 'When determining planning applications for renewable and low carbon development, local planning authorities should...approve the application if its impacts are (or can be made) acceptable.'

However, Government guidance also makes it clear that the need for renewable energy does not override environmental protections and the planning concerns of local communities. When considering whether to support renewable energy developments, sufficient weight should therefore be given to landscape and visual impact concerns, concerns with regard to the potential loss of best and most versatile agricultural land and other planning considerations that relate specifically to renewable energy technologies.

## **Need for the Development**

The National Planning Practice Guidance (NPPG) supports the NPPF, and it states 'Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable'....' Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity'.

On the 23rd June 2021, the UK Government announced that it 'will set the world's most ambitious climate change target' to reduce emissions by 78% by 2035 compared to 1990 levels as part of its sixth carbon budget. The UK's carbon budgets place a restriction on the total amount of greenhouse gases the UK can emit over a five-year period. The target was informed by advice from the Climate Change Committee (CCC), which published a report on the UK's sixth carbon budget on the 9th December 2020. The CCC is a statutory body that was originally set up under the provisions of the Climate Change Act 2008. It advises the UK and devolved governments on the UK's progress in tackling climate change.

The target set in this carbon budget includes the UK's share of international aviation and shipping emissions. These emissions were excluded from the UK's previous carbon budgets. The sixth carbon budget was enshrined in law under the Carbon Budget Order 2021.

Preceding this, in June 2019, the UK Government said it was the first major economy in the world to pass laws to bring all greenhouse gas emissions to 'net zero' by 2050. It outlined that 'net zero' meant any emissions would be balanced by schemes to offset an equivalent amount of greenhouse gases from the atmosphere such as planting trees or using technology like carbon capture and storage. The Government stated that it would set out a 'net zero' strategy in the months before the COP26 summit (that took place in November 2021).

The Climate Change Act (amended in 2019) commits the UK to 'net zero' by the year 2050. The original Act as mentioned above (passed in 2008) committed the UK to an 80% reduction of greenhouse gas emissions by 2050, compared to 1990 levels. In 2019, the Climate Change Act 2008 (2050 Target Amendment) Order 2019 was passed which increased the UK's commitment to a 100% reduction in emissions by 2050.

In November 2022, the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP27) was held. The summit brought together the signatories of the UN Framework Convention on Climate Change (UNFCCC) for formal negotiations, informal consultations and technical briefings. The UK's goals for COP27 were:

1. To secure global 'net zero' by mid-century and keep 1.5 degrees within reach (this is the target set under the Paris Agreement (Nov 2016) to limit global warming to 1.5 degrees Celsius, compared to pre-industrial levels).
2. To adapt to protect communities and natural habitats.
3. To mobilise finance.
4. To work together to deliver.

In its most recent progress report to Parliament the CCC (in July 2024) has recognised that the UK Government now has a solid 'net zero' strategy in place. Part of this strategy includes taking action so that by 2035, all our electricity comes from low carbon sources, subject to security of supply, bringing forward the Government's commitment to a fully decarbonised power system by 15 years, and by accelerating deployment of low-cost renewable generation from solar and wind farms linked to battery storage. However, the CCC has stated that important policy gaps remain and that 'tangible progress is lagging the policy ambition'. In short, with an emissions path set for the UK and the Net Zero Strategy published, greater emphasis must be placed on delivery.

In terms of the Government's latest position on battery storage schemes, this can be found in the Clean Growth Strategy (published in October 2017). The

strategy sets out a series of policies and proposals that aim to accelerate the pace of 'clean growth' (i.e. the delivery of increased economic growth and decreased emissions). To achieve clean growth, the Government identifies how 'the UK will need to nurture low carbon technologies, processes and systems that are cheap as possible'. This potentially includes ground mounted battery energy storage system developments such as that proposed within this current application.

The National Infrastructure Commission (NIC), the official advisor to the Government on infrastructure, states phasing out the use of fossil fuels to generate electricity, heat homes and power vehicles will reduce greenhouse gas emissions and is essential for the UK to meet its legally binding climate targets. Action is now urgent with only 12 years left to meet the Sixth Carbon Budget. This shift will also bring significant economic benefits. Shocks to oil and gas prices will have a much smaller impact on the cost of living. If the UK can move fast, some businesses should be able to become leaders in new low carbon technologies. And, in the longer term, electrifying the energy system should lower energy costs for households and businesses, boosting productivity. In its latest report (published in Oct 2023) the NIC also underlined the urgency and importance of several of its recommendations that stem from the National Infrastructure Assessment, including that the Government should deliver a highly renewable, flexible, 21st Century power system by 2035.

This situation is also recognised at a local level by Rotherham Borough Council. In 2019, the local authority declared a climate emergency and is now fully committed to supporting measures to work with partners to reduce carbon emissions. These measures arguably include considering proposals for new renewable energy installations such as that proposed for within this current application.

Battery storage plays a crucial role in the modern energy landscape, offering a means to balance supply and demand, store excess renewable energy, and enhance grid resilience. In England, the planning and implementation of battery storage projects have gained significant importance due to the country's commitment to reducing greenhouse gas emissions, increasing renewable energy generation, and transitioning to a more sustainable energy system. The need for battery storage in England is driven by:

- Renewable Energy Integration: The increasing deployment of wind and solar farms requires effective energy storage to manage fluctuations and optimise grid stability.
- Grid Resilience: Battery storage enhances grid resilience by providing quick responses to supply-demand imbalances and preventing blackouts during peak demand or supply shortages.
- Decentralised Energy: Battery storage supports the growth of decentralised energy systems, allowing the storage of excess energy close to the source of generation and/or use thereby reducing the need for expensive grid infrastructure upgrades.

- Electrification of Transport: The growth of electric vehicles (EVs) increases the demand for charging infrastructure and grid support, which can be provided by battery storage.
- Security of Supply: Will avoid the need for standby fossil fuel generation or importing electricity from abroad.

Overall, this is one of a number of mechanisms that will reduce electricity bills for UK consumers over time.

The remainder of this report examines whether or not the potential impacts arising from the proposed development would be acceptable in planning terms and considers those impact cumulatively with the adjacent proposed development.

### **Green Belt**

The application site is located within the Green Belt in the adopted Local Plan.

Policy CS4 'Green Belt' states that: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy".

Policy SP2 'Development in the Green Belt' states that: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...All new buildings should be well related to existing buildings, where relevant, and should be of a size commensurate with the established functional requirement."

In terms of the National Planning Policy Framework the proposed development does not constitute one of the exemptions outlined within paragraph 154 of the NPPF for new buildings and structures in the Green Belt. Therefore the proposed development would be inappropriate development in the Green Belt as defined by the NPPF which should not be approved unless very special circumstances can be demonstrated which outweigh the harm.

As set out in paragraph 153 of the NPPF and reiterated in the Local Plan, inappropriate development is harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC). Substantial weight should be given to this harm, and VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

However, paragraph 156 of the Framework states 'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.

In terms of the impact of the openness on the Green Belt, the NPPF states that the most important attribute of Green Belts is their openness. The applicant has submitted a Green Belt justification document which concludes that:

“The proposed Development would not negatively impact upon the five stated purposes of the Green Belt. Very Special Circumstances have been identified which should be given significant weight in the planning balance. Whilst there would be some effects on openness in both spatial and visual terms, these are very limited in terms of the surrounding context, the low scale of development, and proposed additional planting.”

It is not accepted that there would be no impact on the purposes of designating land as green belt or that there would be limited impact on the openness. The considerable change from a rural field to a compact industrial setting together with the adjacent proposal represents an extensive development of industrial nature including a considerable number of structures, fencing and access roads would both individually and cumulatively reduce the openness of the Green Belt. In addition the creation of a bund up to 2.2 metres in height is an engineering operation.

The proposals would be visible from Moat Lane and surrounding areas and whilst some of these views would be limited due to existing trees/hedgerows and seen in the context of the adjacent substation, the facility would encroach into open Green Belt and conflict with the purposes of including land within it.

The applicant has provided good quality landscaping areas and the proposed bund aims to provide a level area within the site for the location of the battery storage infrastructure and some screening to the site at its most visible positions. It is however considered that the landscaping around the site and on the bund itself will take time to mature and will not overcome the loss of openness at this Greenfield site which is currently largely devoid of development.

A facility which will be used for approximately 40 years is not a short-term installation, and the harm to the Green Belt would be long-term in nature, even if the site was to be fully reinstated back to agriculture after the facility has been decommissioned.

The wider environmental and social benefits of the proposal therefore need to be significant in order demonstrate VSC. The Green Belt Justification Report argues that the wider environmental and social benefits of the proposal as a mechanism to facilitate the efficient delivery of renewable and low carbon energy and reducing electricity bills outweigh the harm to the Green Belt, amounting to the VSC needed to justify the proposal at this site. Officers agree that battery storage infrastructure has a key role to play in ensuring homes and businesses can be reliably powered by green energy, and that the benefits of this infrastructure should be a material consideration.

The Overarching National Policy Statement for Energy (EN-1) has recently been updated (November 2023) and identifies electricity storage as an important element in the diverse mix of electricity infrastructure needed to come forward so that the country can deliver a secure, reliable, affordable and net zero consistent system during the transition to 2050 for a wide range of demand, decarbonisation, and technology scenarios. Paragraph 3.3.25 states that storage infrastructure has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated.

Whilst national policy and guidance indicate a clear and pressing need for energy storage infrastructure, Officers need to be satisfied that there is no alternative location available for the proposal other than this sensitive Green Belt location and a robust site selection justification is needed. The location of a development of this type is dependent upon very specific criteria in that it can only be connected into the local electricity network where there is capacity to import and export electricity. This point of connection 21 to the network therefore dictates the location of the site, which can only be placed on land which is commercially available and viable and of a specific size. Supporting information submitted with this application states that:

“This site provides existing electricity infrastructure within very close proximity to the application site. National Grid has confirmed they can accommodate the proposed facility, making the site both technically and financially feasible. Please refer to the BESS information Guide submitted with this application for more details on what factors determine the suitability of a site.”

In addition the applicant has confirmed that they have a valid and signed connection agreement in this location. The location of such infrastructure should be given weight where there is capacity within the Grid and at the location identified. In this instance both this application and the adjacent planning application have valid grid connection agreement which confirms capacity and a genuine need for the development in this location.

Paragraph 163(b) of the NPPF advises that developments should be located where impacts are, or can be made, acceptable. Officers have considered this point carefully, to decide whether the application site – within the catchment of a grid supply point, immediately adjacent to a substantial substation, together with the existing and proposed landscaping – would meet this policy requirement.

In support of the proposals, the applicant has provided a Landscape and Visual Appraisal, the site is gently rolling to the north, east and south. There are no prominent topographical features within the study area. The localised character is heavily influenced by the presence of surrounding electricity infrastructure sites, prominent pylons and the M18. Due to the gently rolling landform, the surrounding mature vegetation, and the electricity substation to the south, the site has very limited visibility to the south, east and west with some mid-range views to the north. Views to the east and west are curtailed by the site's boundary hedgerows and adjacent vegetation, with only power

lines visible above. To the south only the views of the electricity substation and surrounding pylons are possible over the boundary vegetation, dominating the skyline. To the north there are mid distance views from the site's boundary towards Wickersley seen over agricultural fields, with Wickersley Wood, King's Pond Plantation and residential properties. Large electricity pylons and transmission lines are present which are detracting features, running north parallel with the M18. The construction of the bund, building elements, together with associated traffic, parking, lighting and security fencing can temporarily but substantially change the landscape character of an area and impact upon its existing visual and/or recreational amenity. In summary, the applicant has attempted to ensure that the Local Planning Authority has been provided with a comprehensive analysis of viewpoints and visual receptors.

Landscape has two separate but closely related aspects; firstly is the impact on the character of the landscape which includes responses that are felt toward the combined effect of the development. The significance of this will depend partly on the number of people affected and also on the judgements about how much the changes will matter in relation to the human senses of those concerned. Secondly, visual impact, in contrast to landscape character, is perhaps less prone to being subjective. Visual impact may occur by means of intrusion and/or obstruction, where visual intrusion is impact on the view without blocking it and visual obstruction is impact on a view that would be hidden by the development.

Visualisations of the proposals have also been prepared by the applicant. The visual effects are generally localised and limited due in most part to dense intervening mature vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme formed by the adjacent substation and the existing pylons. The proposed bund will be visible from some long range views and will change the landscape from its current topography. The bund is a maximum of 2.2 metres in height which is similar to security fencing but together with the proposed landscaping (especially once mature) will provide a softer form of screening to the most sensitive external views. It will undoubtedly have an impact on the openness of the Green Belt but in the overall consideration of the development, it is not considered that it would materially add to the harm of the proposals and would indeed assist in the natural screening and softening of the industrial type infrastructure.

For the proposed site and the surroundings during construction, an increase of delivery vehicles and people travelling to the works can be expected. These effects will be short lived however and will not require mitigation during the construction process.

The visual impact of the development on the open countryside has been assessed at worst case scenario, as moderate (i.e. a material change). Once the mitigation measures have established and are acting as a dense visual barrier, the BESS units and related elements will not be visible on the site due

to their relatively small scale, resulting in a neutral effect. This planting is shown on the soft landscape proposals that accompany the application.

In summary, the applicant has attempted to ensure that the Local Planning Authority has been provided with a comprehensive analysis of viewpoints and visual receptors. With suitable mitigation measures, the development will have a moderate visual impact and a minor landscape impact (i.e. not a material change). Overall, it is considered that the applicant has in this instance gone as far as is reasonably practicable to mitigate the visual effects of the proposal. Of course some effects on landscape and visual receptors within a local context would remain. However, the only way to address this impact further would be to either significantly reduce the size of the installation or ultimately refuse the application. It should nevertheless be noted that whilst the proposed development would be appreciated from some wider vantage points, it is recognised that in the main the impacts would be relatively localised. In order to reduce the potential visual impacts, the applicant has proposed a scheme of landscaping within and around the site.

This includes the following:

- Management and retention of the native tree and hedgerow planting that sits around the site boundary;
- Additional native species planting around .... A mixture of age ranges of native species will be used to ensure longevity of the visual barrier that will link into the existing green infrastructure network;
- Built elements set back from boundaries to allow growth of boundary vegetation; • The use of materials for the external envelope of the buildings which minimise potential visual intrusion to aid visual blending.

It is clear that the above described landscaping would not eliminate all appreciation of the development from nearby properties. Overall, however, and considering what is being proposed landscaping wise by the applicant, it is noted by officers that any remaining appreciation would be low particularly once the new planting has established and matured. To ensure this outcome, the proposed landscaping plan has been conditioned as well as requiring biodiversity enhancement plan.

In summary, it is inevitable that the development if allowed to progress would alter the landscape character of the local area, with any future paraphernalia contrasting with the agricultural, recreational and wider residential uses of the area. However, the visual impact of the BESS installation would gradually reduce as the maturing landscaping proposed softens the edges of the site. Furthermore, once fully established, the landscaping should provide an effective screening of the BESS from the most localised views and from the parts of the public rights of way network closest to the site. In the planning balance, when considering visual impact, account needs to be given to the public benefits of the proposal. These are:-

- (1) addressing climate change,
- (2) increasing renewable energy provision within Rotherham borough,

- (3) the notable provision of additional landscape and wildlife features and
- (4) the mitigation measures being proposed to minimise the effects.

In the view of officers, these public benefits outweigh the adverse effects on landscape and visual receptors that have been identified above and that would result from the development being sited in this location. These benefits are considered to 'tip the scales' in favour of permission being granted.

In considering the cumulative impact of the proposal along with the development proposals for the adjacent site, it is clear that both applications are similar in their mitigation and both represent inappropriate development. Together the schemes (if both developed) would result in a Battery Storage facility of 200mw. It is not unusual for single proposals of this size to be located close to major grid connection points and whilst these applications are provided by two separate operators they could clearly both be delivered. When considered in isolation the applications are both acceptable in principle as very special circumstances are considered to exist to outweigh the harm to the Green Belt by virtue of the inappropriate development and defined harm. Whilst, as mentioned in preceding sections, it is clear that there will be some visual impact as a result of these proposals, both have valid grid connections and have identified through site selection criteria that there is capacity in this location for the infrastructure. It is not considered that the cumulative impact of the proposals would change the conclusion that has been reached individually and set out within the body of this report.

It is therefore concluded whilst the proposed development is inappropriate by definition, very special circumstances have been demonstrated that overcomes its inappropriateness and outweighs the limited harm to the Green Belt. The proposed development complies with the relevant paragraphs of the NPPF; as well as SP 69 'Utilities Infrastructure', Core Strategy policies CS4 and CS30.

It is further considered that the proposal would therefore be in compliance with policies SP 69 'Utilities Infrastructure', SP55 'Design Principles', CS21 and CS28 of the adopted Rotherham Local Plan.

### The impact on local amenity

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 proposed development would be sited approximately 50m from the nearest residential property. The main issue therefore is the potential for increased noise and disturbance to this and other properties, particularly low frequency noise emissions. Environmental Health have considered the noise

impact on the surroundings and there is concern that may not have been adequately assessed in accordance with criteria BS4142:2014. However, it is considered that noise from the development should not exceed 0dB above background at the nearest NSR (which is achievable according to the noise report). Notwithstanding this the likely noise impact is considered acceptable subject to a final noise condition to be discharged.

It is also considered that there is the potential for future noise generation during the construction phase. The Council's standard informative regarding working practices and the Environmental Protection Act 1990 shall be appended to any decision together with a condition requiring the submission of a Construction Management Plan.

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.

### Highway Safety

The new proposed battery storage, will not generate any significant day to day traffic, as the site would not require any permanent staff. Some occasional visits will be required by engineers to ensure the site is operational safely and efficiently. The main highway issues will relate to the construction phase, which will involve the delivery of heavy plant etc. As such a construction management plan condition has been attached to ensure that deliveries will be safe not cause undue disturbance to neighbouring residents.

Overall, it is not considered that there would be a detrimental impact on highway safety.

### Ecology

Policy CS20 'Biodiversity & Geodiversity' states that priority will be given to; "supporting the positive management and protection of nationally, regionally and locally designated sites for nature conservation". CS20 gives priority to; "conserving and enhancing sites and features which have demonstrable biodiversity and geodiversity value, including woodland, important trees, hedgerows, watercourse,...but which are not included in designated sites".

SP33 'Conserving & enhancing the natural environment' states that: "Development should conserve and enhance existing and create new features of biodiversity ..value". It also states that: "Planning permission will not be granted for development that is likely to, directly or indirectly, result in the loss or deterioration of sites, habitat or features that are considered to be irreplaceable due to their age, status, connectivity, rarity or continued presence unless the need for, and benefits of, the development in that location clearly outweigh the loss".

NPPF paragraph 174 states that: "Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefit”

The application includes an ecology report which concludes that the scheme could achieve a 53% biodiversity net gain. The Council’s Ecologist agrees with the findings of the report and since the original submission the level of landscaping has been increased to minimise the visual impact. As such the biodiversity net gain should be achieved.

As such without any preliminary ecology report the proposal would accord to Local Plan Policies CS20, SP33 and the NPPF.

#### Drainage

There is no significant flood risk to the site, as noted in the flood risk assessment.

The Council’s Drainage section have raised no objections subject to conditions. However, according to the Environmental Agency’s flood maps, there is a small area of surface water flood risk at the northern part of the site. The applicant should ensure that the development will be resilient against any potential flood risk. Further information about flood risk is available on the gov.uk website under the flood warning information service and the Environment Agency’s website.

Their records do not show any sewers within the site boundary.

In light of the above there are no drainage concerns with the proposal.

#### Agricultural land classification

It is recognised by Government that there is 9.2 million hectares of farmland in England but that there is no direct correlation between the UK land area farmed and agricultural output. According to the Food Strategy policy paper, 57% of agricultural output comes from just 33% of the farmed land area. It follows therefore that it should be possible to target land use change towards the least productive land, to increase the environmental benefit from farming and to increase yields with minimal impact on food production. This is a point reflected in footnote 62 pursuant to NPPF paragraph 181 which states 'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality'.

With regard to this current application, the site is not identified within the Local Plan as a location within the borough with the potential for large-scale energy development. Instead, the site is identified as being agricultural in nature.

However, whilst this is an important consideration, it does not in itself mean that the Council should resist the current proposal. It does nevertheless mean that in coming to a balanced view on whether to support the current application or not the Council should satisfy itself that: (1) the applicant has accurately identified the existing quality of the land in question, and (2) in requiring the use of agricultural land, the applicant has given proper consideration to other possible sites within reasonable distance to the application site (and with a connection point to the National Grid) where the land is of poorer quality.

The application is supported by an Agricultural Land Classification Report (ALC) in terms of the agricultural classification the site is considered to be 3b (medium) quality. In short, the ALC report (if accepted) suggests that the land on which the BESS would be located is of a poorer sub-grade. This weighs against any suggestion that the application should be refused purely on the matter of loss of agricultural land as in this instance it is not B&MV.

With respect to site selection, the applicant has set out in the Planning Statement a series of criteria which they believe should be used for considering alternative sites: proximity to the National Grid, flood risk, road access, location of utilities infrastructure etc. By their very nature such storage facilities need to be located close to major National Grid infrastructure, which in the majority of cases is located in rural areas, surrounded by agricultural land.

For the reasons set out above, officers have concluded that the applicant has provided sufficient information to demonstrate that the proposal would not result in a substantial loss of B&MV agricultural land due to the scale of the operations and it is not therefore considered to be of any local significance in terms of its potential loss.

#### Other Considerations:

##### Battery safety

A Battery Safety Report has been submitted due to the type of development being proposed. As per recent PPG on Battery Energy Storage Systems, applicants are encouraged to engage with the local fire and rescue service before submitting an application to the LPA. The Battery Safety Report submitted with the application acknowledges this point, and considers guidance produced by the National Fire Chiefs Council as indicated in the PPG, however there is no evidence of pre-application consultation with Surrey Fire and Rescue Service.

Nevertheless, the South Yorkshire Fire Service have been consulted to provide their views and identify potential mitigations which can be put in place in the event of an incident. The Applicant should liaise directly with Surrey FRS to prepare a full Emergency Response Plan for the BESS development pre-construction when all the detailed design for the site has been completed.

Planning conditions would be attached to any approval to ensure a Risk Management Plan and Emergency Response Plan is developed in consultation with the Fire and Rescue Service, as per National Fire Chiefs Council guidance.

## **Conclusion**

The proposed development is inappropriate by definition and very special circumstances have been demonstrated that overcomes its inappropriateness and outweighs the limited harm to the Green Belt. The proposed development complies with the relevant paragraphs of the NPPF; as well as SP 69 'Utilities Infrastructure', Core Strategy policies CS4 and CS30.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 06, 07,16 & 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 06, 07,16 & 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 shall be valid for 40 years and at the end of that period all structures hereby approved shall be wholly removed and the site restored in a manner to be agreed with the Local Planning Authority.

### **Reason**

Due to the inappropriate nature of the development and its impact on the openness of the Green Belt

03

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

(Proposed Parameters Plan TH\_PPP\_RevC)

(Proposed Site Plan TH\_PSP\_RevK)

(Proposed Site Layout and elevations TH\_SLE\_RevB)

(Proposed Landscape Scheme UG\_1982\_LAN\_GA\_DRW\_01 Rev P05 )

Reason

To define the permission and for the avoidance of doubt.

04

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form and approved drawings. The development shall thereafter be carried out in accordance with these details.

Reason

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

### Highways

05

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

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

Reason

In the interest of highway safety and neighbour amenity

07

The development shall not be commenced until details of the proposed alterations in the highway at Moat Lane and Green Lane, indicated in draft form on plan reference Drg No LTP/5416/P/01.01 Rev A and Drg No LTP/5416/P/01.02 Rev A, have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interest of highway safety

Neighbouring Amenity

08

All items of noise generating plant shall be installed and positioned as detailed in Section 1.2 and Figure 1.1 of the Noise Impact Assessment undertaken by Dragonfly Consulting (Ref: DC4195-NR1v6, dated 21 June 2024).

Reason

In the interest of neighbouring amenity

09

The cumulative Sound Power Level (LWA) of all batteries on site shall not exceed those set out in Table 6.9 of the Noise Impact Assessment undertaken by Dragonfly Consulting (Ref: DC4195-NR1v6, dated 21 June 2024).

Reason

In the interest of neighbouring amenity

10

The cumulative Sound Power Level (LWA) of all transformer units on site shall not exceed those set out in Table 5.2 of the Noise Impact Assessment undertaken by Dragonfly Consulting (Ref: DC4195-NR1v6, dated 21 June 2024).

Reason

In the interest of neighbouring amenity

11

All mitigation measures as identified within the Noise Impact Assessment undertaken by Dragonfly Consulting (Ref: DC4195-NR1v6, dated 21 June 2024) shall be carried out in full prior to first operation of the site and be maintained throughout the lifetime of the consent.

Reason

In the interest of neighbouring amenity

12

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

In the interest of neighbouring amenity

13

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 (LPA) in advance of the assessment. A copy of the completed report shall also be forwarded to the LPA for consideration.

Reason

In the interest of neighbouring amenity

14

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.

Reason

In the interest of neighbouring amenity

### Landscaping

15

Landscaping of the site as shown on the approved plan (drawing no.UG\_1982\_LAN\_GA\_DRW\_01 Rev P05) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

16

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with details as shown on the Urban Green Arboricultural Impact Assessment dated October 2023. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

**Reason**

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity

17

No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

**Reason**

In the interests of the visual amenities of the area

**Ecology**

18

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

**Reason**

To protect bats

19

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31<sup>st</sup> 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 the interest of ecology

20

Works which include the creation of trenches or culverts or the presence of pipes shall include measures to protect badgers from being trapped in open excavations and/or pipes and culverts as stated in the ecology report [Preliminary Ecological Appraisal, May 2023, Urban Green].

**Reason**

In the interest of ecology

21

No development shall commence until Biodiversity Enhancement & Management Plans (BEMPs) for each site have been submitted to and approved in writing by the Local Planning Authority. The Plans shall provide a:

- i) Description and evaluation of features to be managed and enhanced; including:-
  - a) Description of new landscape planting incorporating native plant species
  - b) Gaps of suitable dimensions (130mmx 130mm) should be provided at the foot of permanent perimeter and boundary fences at selected points to permit the movement of hedgehogs around the site post construction.
  - c) To ensure that holes are kept open 'Hedgehog Highway' signage should be provided (sourced by Peoples Trust for Endangered Species and/or British Hedgehog Preservation Society) and secured above the holes.
  - d) The location and number of bat roosting features should be included within the new residential properties
  - e) The location and number of bird nest boxes should be integrated into the new residential properties.
- ii) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- iii) Aims and Objectives of management;
- iv) Appropriate Management Actions for achieving Aims and Objectives;
- v) An annual work programme (to cover an initial 5 year period);

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

The Plans shall be reviewed and updated every 5 years to ensure their aims and objectives are being met. The approved Plans will be implemented in accordance with the approved details.

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

**Reason**

To ensure no net loss in biodiversity across the sites.

**Fire Safety**

22

The development shall be constructed in accordance with the submitted fire water management plan dated 13/02/24. The proposed measures shall be undertaken prior to the development coming on line.

**Reason**

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

23

Prior to the development being brought into use details of a Fire Risk Management Plan and Emergency Response Plan shall be submitted to and agreed in writing by the Local Planning Authority. The agreed plans shall be adhered to for the lifetime of the development.

**Reason**

In the Interest of fire safety

**Drainage Informatve:**

01

Battery Storage Energy Systems (BESS) have the potential to pollute the environment. Applicants should consider the impact to all environmental receptors

during each phase of development. Particular attention should be applied in advance to the impacts on groundwater and surface water from the escape of firewater/foam and any contaminants that it may contain. Suitable environmental protection measures should be provided including systems for containing and managing water run-off.

The applicant should ensure that there are multiple 'layers of protection' to prevent the source-pathway-receptor pollution route occurring. Appropriate procedures should be provided that clearly illustrate how contained firewater will be managed, including sufficient details for safe and permitted off-site disposal. Further Government guidance on considering potential risks of BESS in planning

Environment Agency

Lateral 8 City Walk, LEEDS, LS11 9AT.

Customer services line: 03708 506 506

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

applications is available online: Renewable and low carbon energy - GOV.UK

([www.gov.uk](http://www.gov.uk))

02

Energy storage will play a significant role in the future of the UK energy sector. Effective storage solutions will benefit renewables generation, helping to ensure a more stable supply and give operators access to the Grid ancillary services market.

The National Grid's Enhanced Frequency Response programme will provide a welcome catalyst for a significant level of battery storage deployment in the UK. Currently, DEFRA does not consider the need to regulate the operation of battery energy storage systems (BESS) facilities under the Environmental Permitting Regulations regime.

However, an important factor that can be overlooked by parties involved in new battery storage projects or investing in existing projects is that battery storage falls within the scope of the UK's producer responsibility regime for batteries and other waste legislation. This creates additional lifecycle liabilities which must be understood and factored into project costs, but on the positive side, the regime also creates opportunities for battery recyclers and related businesses. Operators' of battery storage facilities should be aware of the Producer Responsibility Regulations. Under the Regulations, industrial battery producers are obliged to:

- take back waste industrial batteries from end users or waste disposal authorities free of charge and provide certain information for end users;
- ensure all batteries taken back are delivered and accepted by an approved treatment and recycling operator;
- keep a record of the amount of tonnes of batteries placed on the market and taken back;
- register as a producer with the Secretary of State;
- report to the Secretary of State on the weight of batteries placed on the market and collected in each compliance period (each 12 months starting from 1 January).

Putting aside the take back obligations under the producer responsibility regime, batteries have the potential to cause harm to the environment if the chemical contents escape from the casing. When a battery within a battery storage unit ceases to operate, it will need to be removed from site and dealt with in compliance with waste legislation.

The party discarding the battery will have a waste duty of care under the Environmental Protection Act 1990 to ensure that this takes place. The Waste Batteries and Accumulators Regulations 2009 also introduced a prohibition on the disposal of batteries to landfill and incineration. Batteries must be recycled

or recovered by approved battery treatment operators or exported for treatment by approved battery exporters only.

Many types of batteries are classed as hazardous waste which creates additional requirements for storage and transport.

03

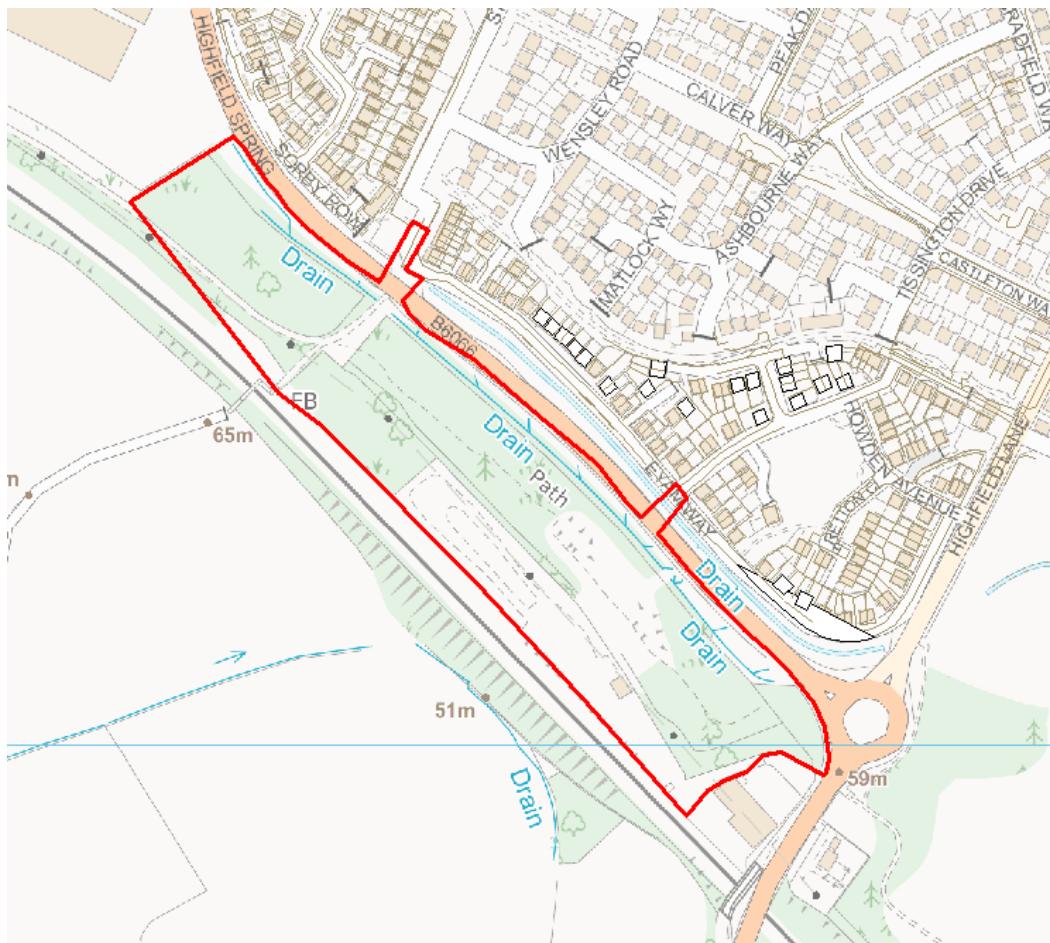
some of these works will require an Agreement under S278 Highways Act, 1980 and involve the provision of carriageway widening and drainage works. Contact should be made with [david.phillips@rotherham.gov.uk](mailto:david.phillips@rotherham.gov.uk) as soon as is practical to commence the legal procedure for the s278 works.

#### 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>RB2024/0344</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/0344">https://rotherham.planportal.co.uk/?id=RB2024/0344</a>
<b>Proposal and Location</b>	Reserved matters application (details of access, external appearance, landscaping, layout & scale) for the erection of 177 dwellinghouses (reserved by outline RB2022/1076) land south off Highfield Spring Waverley
<b>Recommendation</b>	<p>A. That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-</p> <ul style="list-style-type: none"> <li>• 113 Affordable Housing Units on site (63.8%)</li> <li>• The development to the north of the site being considered in Planning Application Reference RB2024/1435 being constructed prior to construction of Plots 4-11as that development provides the car parking for those plots, the access road, private drives and associated highway work, landscaping and bund.</li> </ul> <p>B. Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



## Site Description & Location

The site is approximately 5.8 hectares in size and forms part of Waverley New Community. It is located on the southern extent of the outline site and is adjacent to the railway line that borders the site along the south-western boundary of the outline development site. It is one of the last parcels to be developed for residential development at Waverley.

The site is bound by Highfield Spring to the north, the Sheffield-Worksop-Lincoln railway to the south, and industrial units, the AMP to the north west and Pasuda to the south east. The site currently has a temporary yard on part of the land which is leased to Pasuda to the south-west.

The site also has a PROW running across it from Highfield Spring leading south to the existing railway bridge which then leads up to Handsworth. The PROW also has a cycle path which leads off it and runs through to the Advanced Manufacturing Park and the Parkway beyond as well as other existing PROWS. The remaining site was covered in trees and scrubland, however it has recently been cleared in accordance with details approved under an earlier permission. There are overhead power cables across the site, and the site rises from Highfield Spring.

## Background

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

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

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). – GRANTED CONDITIONALLY on 16/03/2011
- RB2011/1296: Application under S73 with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011
- RB2012/1428: Application under S73 with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of the works to be undertaken. – GRANTED CONDITIONALLY ON 26/04/2013
- RB2013/0584: Non-material amendment to application RB2012/1428 to include amendments to Conditions 03, 04, 26 and 48 – GRANTED CONDITIONALLY on 26/09/2013
- RB2013/1496: Non-material amendment to RB2012/1428 to change wording of Condition 48 to allow Masterplan Parameters to be updated – GRANTED CONDITIONALLY on 27/11/2013
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the

B6066 High Field Spring/Brunel Way – GRANTED CONDITIONALLY on 29/09/2014

- RB2015/1460 - Application to vary Condition 19 (details of improvement to B6066 Highfield Spring/Brunel Way (AMP North) imposed by RB2014/0775 – GRANTED CONDITIONALLY ON 17/12/2015
- RB2017/0743 - Application under Section 73 for a minor material amendment to vary and remove conditions 2 - 4, 6 - 8, 11 - 14, 16 - 18, 22 & 24, 25 - 27 and 39 imposed by RB2015/1460 (Outline application for Waverley New Community) which relate to the Masterplan Development Framework and Principles Document, floorspace limits of non residential use classes and highway improvement works – GRANTED CONDITIONALLY ON 07/12/2017
- RB2019/0485- Non material amendment to application RB2017/0743 to include amendment to wording of condition 17 (trigger for roadworks) – GRANTED ON 01/04/2019
- RB2019/1656 - Non material amendment to application RB2017/0743 to include heads and cills – GRANTED 24/10/2019
- RB2021/1098 - Non-material amendment to application RB2017/0743 to include amendment to condition 17 highway improvements – GRANTED ON 28/07/2021
- RB2021/1700 - Non-material amendment to applications RB2008/1372, RB2011/1296, RB2012/1428, RB2014/0775, RB2015/1460 and RB2017/0743 to include reference to 'up to' 3,890 dwellings and remove the term '2 form entry' from the description of development – GRANTED ON 27/05/2022
- RB2022/1076 - Application to vary condition 28 imposed by RB2017/0743 to update the approved Surface Water Strategy – GRANTED CONDITIONALLY ON 18/11/22
- RB2024/0224 - Reserved matters application for enabling infrastructure works including tree removal, earthworks to form a development platform and drainage infrastructure (reserved by outline RB2022/1076) – GRANTED CONDITIONALLY ON 22/07/24

## **Proposal**

The application is for the approval of reserved matters for part of the scheme approved under outline permission RB2022/1076, and seeks permission for details of access, appearance, landscaping, layout and scale, for the development of 177 dwellings. The design of this phase of development is subject to the Design Code approved for Waverley Railside, as well as the overarching Waverley Masterplan Framework & Principles Document.

The application proposes a mix house types - 1, 2, 3 and 4 bedroom properties which are in the form of terraced, semi-detached and detached dwellings. This comprises of:

20 x 1 bed  
65 x 2 bed  
74 x 3 bed  
18 x 4 bed

Of these dwellings, 113 will be affordable units, which equates to a provision of 63.8% on site and is broken down as follows:

12 x 1 bed  
44 x 2 bed  
45 x 3 bed  
12 x 4 bed

The affordable units are proposed to be split between rented, shared ownership and first homes. The Section 106 Agreement for Waverley New Community sets out that the development needs to provide 21% affordable housing across the site. This was in line with viability work submitted with the outline planning application. The Section 106 Agreement then provides a cascade provision of affordable housing, originally providing 4 phases but it has been updated most recently in 2022 to change it to 3 phases given the density across the site has significantly decreased since the outline consent and masterplan.

This site falls into Phase 3 and requires 31% of homes to be affordable. However, this site is being brought forward in conjunction with parcel 4C at Waverley and so this application proposes 63.8% affordable housing provision, to include the provision from site 4C and as such the scheme proposes 113 affordable housing units.

The houses are proposed to be 2 storey in height. The materials are to be a mixture of red and grey brick, with some properties being half rendered and some being fully rendered.

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

#### Planning Statement

This sets out the proposal and how it complies with planning policies. It notes that the proposed development facilitates the continued growth and delivery of the consented development at Waverley New Community.

The application site was originally used as an experimental tree planting area which was planted up when the site was first restored to see if trees could grow on the restored site. The trees that remained on the site were of varying sizes and maturity as well as differing species and quality. The site does

however remain an area for residential development as consented in the outline and set out by the SP1 allocation in the Local Plan.

A potential Waverley train station is also being progressed by the South Yorkshire Mayoral Combined Authority. This would be potentially located next to this site on the Sheffield-Worksop-Lincoln line and be centred on the existing PROW Railway bridge which would be upgraded to provide access for all users of the potential new railway hub. These proposals are at outline business case stage but the sites development will enable future access to the potential railway as well as facilitate the approved outline development.

There is a section of land to the north-west of the site on the Advanced Manufacturing boundary that lies outside the outline application red-line for the Waverley New Community. This land forms part of the masterplan of the Highfield Spring South Part 2, parcel 4D residential development area. However, this will be subject to a separate full planning application given it is outside the outline consent red line boundary. It should be noted that all the housing development applied for lies within the outline red-line boundary and the section of land to the northwest only comprises of parking, gardens and an acoustic barrier which will help to deliver this Reserved Matters application. The area of the full planning application is contained within the SPA1 and housing designation/allocation and complies with local planning policy by helping to deliver the wider allocation and outline consent whilst ensuring we keep density as high as possible in line with housing supply and delivery of Waverley as one of the major strategic housing delivery sites in Rotherham

#### Transport Technical Note

This notes that the principle of residential development has been established through the outline permission. It notes that there are two access points off Highfield Spring and that an existing footpath also passes through the site onto the footbridge across the railway line. The closest bus stops are located on Highfield Spring. It concludes that the proposal is consistent with the outline application and that there are no transport reasons why the proposed development should not proceed.

#### Drainage Statement and FRA

These note that the site is within Flood Zone 1, and is the majority of the site is at a very low risk of surface water flooding with the exception of some areas at the south-east of the site at a medium to- high risk of surface water flooding.

The site forms part of the wider development site and drainage is proposed to the reservoir to be designed to attenuated flows prior to discharge to the River Rother. Surface water is designed to discharge into Hansworth Beck, and two attenuation tanks are proposed as well as an attenuation pond within the POS area. Foul water will connect into existing public sewers.

## Air Quality Assessment

This report presents the findings of an air quality assessment undertaken to assess road traffic emissions and construction dust impacts. It concludes that during the construction phase, site specific mitigation measures detailed within this assessment will be implemented. With these mitigation measures in place, the effects from the construction phase are not predicted to be significant.

In relation to the operational phase the long-term (annual) assessment of the effects associated with the proposed development with respect to Nitrogen Dioxide (NO2) is determined to be 'negligible'. With respect to PM10 and PM2.5 exposure, the effect is determined to be 'negligible' at all identified existing sensitive receptor locations. All proposed receptor locations are expected to be exposed to air quality below the Air Quality Objectives for NO2, PM10 and PM2.5. No further mitigation is required to protect future occupants.

## Ecology Appraisal

This concludes that the site supports, or has the potential to support the following protected and priority species:

- Foraging and commuting bats;
- Nesting birds;
- Winter foraging birds; and
- Foraging badger

It recommends further surveys and reasonable avoidance measures as well as Ecological enhancements.

## Site Investigation and Overview Strategy

This notes that the site has been subject to previous site investigations, but also notes that they could not be updated until the site had been cleared to allow for full characterisation of ground conditions.

## Noise Impact Assessment

This notes that the main noise audible at the site is from road traffic along Highfield Spring and the A630 to the north along with occasional rail traffic. It is also noted that there are commercial units on the AMP to the north west and also units to the south of the site. Whilst the report states that there would be a low impact associated with noise from the two locations boundary treatments to provide additional screening and mitigation in the form of a barrier (earth bund or acoustic fence or combination of the two) are proposed along the north western and south eastern boundaries of the site. These features would reduce noise further at the site from the commercial/industrial

premises and the detailed design will be undertaken at a later stage. Barriers would be a height of 4m (including bunding).

Additionally a new railway station is proposed, and so assumptions have been made within the report regarding noise levels. Taking all the above noise sources into consideration the requirement to provide a suitable scheme of sound insulation to control external noise ingress within properties and in garden areas is proposed to be secured by planning condition to ensure that the effects of identified sources of noise being emitted from the surrounding environment would not give rise to a significant adverse impact.

## **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 Policies**

CS1 Delivering Rotherham's Spatial Strategy  
CS3 Location of New Development  
CS6 Meeting the Housing Requirement  
CS7 Housing Mix and Affordability  
CS14 Accessible places and Managing Demand for Travel  
CS17 Passenger Rail Connections  
CS19 Green Infrastructure  
CS20 Biodiversity and Geodiversity  
CS21 Landscapes  
CS22 Green Space  
CS24 Conserving and Enhancing the Water Environment  
CS25 Dealing with Flood Risk  
CS27 Community Health and Safety  
CS28 Sustainable Design  
CS33 Presumption in favour of Sustainable Development  
SP14 Waverley New Community  
SP26 Sustainable Transport for Development  
SP29 Delivering Transport Schemes  
SP32 Green Infrastructure and Landscape  
SP33 Conserving the Natural Environment  
SP37 New and Improvements to Existing Green Space  
SP47 Understanding and Managing Flood Risk and Drainage  
SP52 Pollution Control  
SP55 Design Principles  
SP56 Car Parking Layout  
SP64 Access to Community Facilities

## **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.

National Planning Practice Guidance (NPPG)

National Design Guide

South Yorkshire Residential Design Guide

RMBC Adopted Supplementary Planning Documents:

- Air Quality and Emissions
- Equal and Healthy Communities
- Affordable Housing
- Natural Environment
- Transport Assessments, Travel Plans and Parking Standards

## **Publicity**

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 8 letters of objection have been received.

- The existing access to the commercial unit to the south currently provides access to the rear of the site and provides access for Network Rail to access the rail track. Part of the site is currently leased with access through a gate to this land and to the railway for Network Rail. The noise bund is shown on top of this access road. Title deeds show a right of way for Network Rail. The bund would cover the access for Network Rail and deny tour access to the rear of the site.
- Poorly designed parking facilities with a lack of visitor parking
- The layout is absurd and overdeveloped/overcrowded
- Increased traffic will lead to air pollution and noise, made worse by removal of trees

- The amenities/infrastructure do not support the numbers of houses
- Money better invested in returning Olive Lane back to its original size and increasing the school size
- Loss of wildlife
- Lack of greenspaces
- Houses will be over footpaths
- If passed, residents of Sorby Row will call for road resurfacing of Highfield Spring to reduce road noise and reduction in speed limit to 30mph and speed bumps as many cars sped along the road
- The moralities and legalities of the proposal are questioned

The applicant has requested the Right to Speak at the Planning Board Meeting.

## **Consultations**

RMBC – Transportation Infrastructure Service – No objections subject to conditions

RMBC – Ecology– No objections subject to conditions

RMBC – Environmental Health - No objections subject to conditions

RMBC - Land Contamination – No objections subject to conditions

RMBC – Air Quality - No objections

RMBC – Affordable Housing Officer - No objections

RMBC - Ecologist No objections subject to conditions

RMBC - Public Rights of Way Officer No objections

RMBC - Drainage Maintenance - No objections

RMBC - Landscape Design - No objections subject to conditions

The Coal Authority – No objections subject to conditions

South Yorkshire Fire and Rescue – No objections

Rotherham Health Authority - No objections

Network Rail - No objections

South Yorkshire Archaeological Service - No objections

Geology (SAGT)- No objections

National Grid Co. plc - No objections

Yorkshire Water Services Ltd - No objections

South Yorkshire Mayoral Combined Authority - No objections

The Environment Agency – 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 site has outline planning permission as part of the wider development for a new community which was originally approved in March 2011 under outline application RB2008/1372 and has been renewed in April 2013 under application RB2012/1428, again in September 2014 under RB2014/0775 and again in December 2015 under RB2015/1460 and then also under RB2017/0743 and then in November 2022 RB2022/1076. RB2024/0224 was recently granted permission which approved the removal of the trees and the creation of a development platform. The trees have now been removed.

A reserved matters application as stated in the National Planning Practice Guidance 'Making an application' relates to those aspects of a proposed development which an applicant can chose not to submit details of with an outline planning application (i.e. reserved for later determination). These are defined in article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

From a land use perspective, the development of the site for Residential Use is acceptable. Accordingly, the principle of this development cannot be revisited during the determination of this reserved matters application.

The main considerations in the determination of the application are:

- Design, Scale and Appearance and Compliance with Master Plan Development Framework and Principles Document and Design Code
- Highway Safety, Transportation and Rail Issues

- Impact on existing and future occupiers' amenity
- Flood Risk and drainage
- Landscaping and Ecology
- General Amenity – noise, contaminated land and air quality
- Affordable Housing
- Planning Obligations

### Design, Scale and Appearance and Compliance with Master Plan Development Framework and Principles Document and Design Code

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.

The NPPF at paragraph 131 states: *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 adds: *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.*

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. The application site forms part of the wider Waverley development and is located to the south west of Highfield Spring.

The Master Plan Development Framework and Principles Document state that *The approach for the layout and appearance of Waverley Waterside is to create an attractive and distinctive new neighbourhood, with a cohesive character and a clearly defined hierarchy of places. Waverley Railside will typically have higher density than other phases, with a more formal block structure and urban character. Building heights typically between 2 and 2.5 storey, limited amount of 3 storey units possible.*

In terms of design the dwellings are a modern design and are 2 storey in height, which is in compliance with the Design Code for this area. As all the dwellings are of a similar height being 2 storey, feature buildings are to be created by the use of positioning and materials, particularly render. This is shown within the application on a material plan which shows the houses to be constructed from a mixture of red and grey brick with render with grey roof tiles, which are considered acceptable in this location.

The Design Code identifies the south eastern corner as having Landmark Corner Buildings and the layout shows the buildings in this location are set back in line with the road alignment, as well as being set amongst landscaping. The properties alignment and setting together with the landscaping provide a landmark corner providing visual interest and attractive entrance to Waverley, and are designed to be in keeping with the existing dwellings on the opposite corner on Eyam Way to create a feature as required by the Design Code, with key spaces and buildings provided.

The application is a reserved matters application and forms the majority of the development site. However it should be noted that a small section of the development site to the north west falls outside of this application because it is on land not included within the outline planning permission. This is a small section of the site only, and contains the front gardens and parking for 8 of the plots as well as the access road with a noise bund/barrier beyond this. This aspect of the proposed development has been submitted in a separate full planning application, RB2024/1435 which is currently under consideration. The Section 106 Agreement submitted as part of this application will require the construction of these elements prior to the construction of plots 4-9 to ensure that a comprehensive development is provided.

It is therefore considered that the scheme has been designed in line with the Design Code and Master Plan Framework document for the site.

Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form.

#### Highway Safety, Transportation and Rail Issues

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.

Policies CS14 and SP26 are supported by the NPPF.

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-curtailage parking does not result in streets dominated by parking platforms to the front of properties.

Policies CS17 'Passenger Rail Connections' and SP29 'Delivering Transport Schemes' both support the development of the rail network.

A Transport Assessment (TA) was submitted in support of the original outline application which analysed traffic movements associated with the proposed new community on the local and strategic network and set out trigger points for improvements to various junctions around the site. The TA has been updated at the request of the Transportation Officer, who has now confirmed that it now demonstrates that the site accesses will operate without causing any concerns to traffic flows along Highfield Spring. Additional plans were also submitted demonstrating visibility at the site accesses in line with industry standards and also a tracking exercise which demonstrated that vehicles can enter / exit without impeding the outside lane.

The Council's Transportation Officer has also confirmed that the revised site layout now conforms with guidance from both Manual for Streets and the South Yorkshire Residential Design Guide, and that on site car parking complies with the Council's minimum residential standards as required by SPD12. There have been objections regarding the lack of visitor parking however this has been assessed and as noted above is in compliance with guidance and acceptable to the Transportation Officer. The site layout has been designed for a 20mph speed limit which will require a Traffic Regulation Order which the applicant has agreed to fund if a planning permission is obtained.

It is also noted that the revised plans include the provision of a signal controlled pedestrian/cycle crossing across Highfield Spring which has been included at the request of the Transportation Officer. Further details of this should be submitted via condition to ensure that it is designed in accordance with LTN1/20 with separate cycle / pedestrian facilities and will require a Road Safety Audit stage 2 submitting in support. The crossing will require the applicant to enter into a S278 legal agreement with the Council for the works which should be in operation before first occupation. An objection has been received stating that if approved Highfield Spring should be resurfaced, the speed limit reduced and speed humps provided to reduce speeding and noise. The road has been fully assessed as part of the proposal and the Transportation Officer raises no issues with the surface or speed etc.

The Transportation Officer has confirmed that there are no objections to the amended scheme, subject to recommended conditions.

South Yorkshire Mayoral Combined Authority (SYMCA) have been consulted on the application and have provided comments on the original and proposed scheme. As mentioned above in the report there is potential for a Rail Halt to be located adjacent to the application site on the Sheffield-Worksop-Lincoln line and be centred on the existing Public Right Of Way Railway bridge which would be upgraded to provide access for all users of the potential new railway halt. These proposals are at outline business case stage and form part of the Government's 'Network North' plan and for which a funding bid is progressing through the Restoring Your Railway Fund. The application site will provide the only means of vehicular access to the train station. In addition, the site will provide the main access for rail users who travel on foot and bike, as well as linking the train station to the bus network on Highfield Spring. Therefore, active provision for vehicle and active travel access to the station site should be provided in agreement with Network Rail who are developing the detailed station design.

Network Rail have been consulted on the application and they have stated that they have no major comments to make on the application. They note that that reference to the rail halt is clearly referenced in the scheme as well as the concept of an 'arrival square', which would seem to indicate that the layout has taken into account the presence of the railway station and that anticipated traffic and pedestrian/cycle movements to and from the station, as well as potential station construction traffic, which have been analysed in the relevant transport statement and are acceptable in highway terms. They raised some practical issues regarding boundary treatments along the boundary with the railway as well as landscaping details, which have been addressed in the amended plan.

The proposal includes the provision of Trief Kerbs to stop vehicle going onto the tracks, at certain areas of the site, with one section of kerb being located along the side of the Arrival Square and stretching down the road for approximately 25m. This is not considered to be particularly visually attractive, and may be dominant in the streetscene, however the applicant's agent has noted that it is something that is required for safety reasons on a

development adjacent to the railway line, and has been requested by Network Rail and that the raised concrete kerb is the most suitable material due to its strength and robustness.

Whilst this is not considered ideal for such a long stretch of kerbing It should be noted that during pre-application discussions, an Armco Barrier was considered, however this was replaced with a Trief Kerb on the application site as the latter provides less visual intrusion to the residential scheme. It is also note that the backdrop to this kerb is attractive as possible with a hedgerow and wildflower planting to soften the kerb however its installation is necessary as a safety requirement from Network Rail and is considered to be the best solution visually.

In relation to Public Rights of Way, the Councils Public Right of Way Officer notes that the site is crossed by a public footpath and that the route of this path has been integrated into the design of the proposed development which is welcomed. At his request the amended plans have also included an amended design for horse riders as the route forms part of the wider access for all route around the whole of the site which is key to the public access plans for Waverley New Community. There has been an objection that the proposal will block the existing footpath, however as noted above the footpath has been designed into the layout of the scheme. A further objection has been received from the commercial site to the south raising matters about the location of the bund and their rights of access to land to the rear of their site as well as access for Network Rail. In this respect the occupiers have been leasing land to the rear of their site, within the application site, off Harworth and had access this land around their unit to the rear. However, Harworth have retained this land now and there is no lease in place so access to it is no longer required by the occupiers. The occupiers have access off Highfield Lane into their premises. Network Rail access will be through the development site in the future which is shown on the proposed plans.

Taking all of the above into consideration, it is considered that this proposed reserved matters application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed and amended in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14, CS17, SP26 and SP29 as well as guidance within the NPPF.

#### Impact on existing and future occupiers' amenity

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 South Yorkshire Residential Design Guide (SYRDG) notes that: *For the purposes of privacy and avoiding an 'overbearing' relationship between*

*buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.*

Further to the above the NPPF at paragraph 135 states, in part, that 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.*

The closest existing houses to the application site are located across Highfield Spring on Eyam Way and are over 60m away from the proposed dwellings, in this respect the layout is considered to be acceptable as it would not give rise to any unacceptable levels of overlooking, loss of privacy or appear overbearing from existing properties.

In relation to the inter-house spacing within the development site this is assessed against guidance contained within the SYRDG in relation to minimum separation distances and minimum garden areas. In this respect the layout complies with the inter house spacing on the majority of the plots, with the exception of the Rowan House type which is a Flat over a Garage designed dwelling. These plots have all their habitable room principle windows on the front elevation only, and first floor windows to the rear are to be obscure glazed. With this in mind the layout is considered acceptable in this respect.

In relation to minimum garden sizes as required by the South Yorkshire Residential Design Guide the developers have provided a plan demonstrating that all houses comply with the standard apart from Plot 66 which is marginally below the minimum standard. Additionally, the scheme includes alternative house types one which incorporates units which consist of 2 one bed flats, one above the other which externally look like a houses (Hawthorne & Blackthorne), and another (Rowan) which is a FOG - flat over garage which are a single flat over garages, as referred to above. These are not typical standard house types , as they are flats and as such are not usually provided with garden space. Within the scheme, some of these properties are provided with private amenity space, for example in the Rowan house type the living accommodation is all at the first floor and there is some garden area provided. Likewise, there is space to the rear associated with the Hawthorne/Blackthorne house type. In these plots the ground floor 1 bedroom unit has an access door to the rear where some private amenity space is provided for this unit. The first floor 1 bedroom flat has no private garden space proposed, and it is noted that there is overlooking into the private garden of the ground floor unit, however in terraced/semi-detached arrangements the same is true for the neighbouring properties garden and this is always considered acceptable and so is in this instance. These smaller units are part of a mix of housing types for the site and have been considered in the context of the wider Waverley development with ample access to green space.

With the above property types in mind and also Plot 66 it is considered that the open space within the Waverley New Community as a whole is available to the residents, and as such the garden areas shown on the site plan are considered to be appropriate for the scheme.

An objection has been received on the basis that the scheme is overdevelopment and will lead to overcrowding, however as noted above the scheme is in general complies with the required minimum spacing standards as well as garden sizes.

Therefore the proposed development adequately addresses how the development does not affect the amenity of any existing nearby residents, and that the amenity of the future residents will also be acceptable. The proposal is therefore considered acceptable and in accordance with the guidance contained within the SYRDG and adopted Local Plan policy SP55 'Design Principles'.

### Flood Risk and Drainage

Policy CS24 'Conserving and Enhancing the Water Environment' states:

Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:
  - i. the natural geomorphology of watercourses,
  - ii. water quality; and
  - iii. the ecological value of the water environment, including watercourse corridors;
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,
- e. dispose of surface water appropriately according to the following networks in order of preference:
  - i. to an infiltration based system wherever possible (such as soakaways)
  - ii. discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)
  - iii. discharge to a public sewer.

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 the NPPF.

An Outline Surface Water Strategy Report was submitted as part of the outline application for the entire Waverley site, which was updated in RB2022/1076 and a Drainage Statement has been submitted in support of this Reserved Matters application.

The Council's Drainage Engineer has assessed the application and has raised no objections to the application based on the conditions which are already on the outline permission. Likewise Yorkshire Water raise no objections as the details show the foul water will discharge to an existing private foul water sewer in Eyam Way and surface water will discharge to watercourse which is in accordance with the wider approved Waverley Development Drainage Strategy.

Taking the above into account, it is considered that the risks of flooding to the site have not changed from those identified within the original FRA and it is therefore considered that the reserved matters proposal satisfactorily conforms with the detail set out in the original Outline Surface Water Strategy and its later addendums as well as advice contained within the NPPF

#### Landscaping and Ecology

Policy CS19 Green Infrastructure states, in part, that: "Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas...Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below –

- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.

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

including long term landscape maintenance for the lifetime of the development.

Policy SP32 'Green Infrastructure and Landscape' goes onto state in part that: "The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users.

The landscape proposal for the development has been designed in accordance with the content of the Design Code which states that high quality surface materials should be used to enhance public realm and encourage pedestrian activities. Hard and soft landscaping treatment and tree planting should be used where appropriate.

It states that the main components of the proposed landscape strategy are –

- A multifunction green corridor along Highfield Spring.
- The southeast corner will have a grassed ground floor plane, akin to a mini village green, with areas of wildflower planting is proposed.
- Formal Avenue planting to Highfield Lane and stands of informal tree planting with clear stems elsewhere.
- Subtle changes in and areas of sculpted landform to create variety and interest;
- Adjacent residential uses will overlook, define and enclose this space.

The Council's Landscape Design Team Leader assessed the proposals and notes that a separate planning application for enabling works including vegetation removal, earthworks to form a development platform and access associated with the future residential use of the site has been approved under RB2024/0224. This application included full details of the removal of the trees from the site and mitigation planting to be provided on this application site, as well as elsewhere within the wider Waverley site.

The amended plan submitted with this application includes an additional avenue tree planting along the back of the roadside hedgerow along Highfield Spring in order reflect the character of the planting along Eyam Way opposite. Tree planting along key roadside routes and in POS areas is proposed to be a min of 18-20cm in girth in order to provide a degree of positive visual amenity and screening from the outset and mitigate for the loss of existing vegetation.

Having regard to the above, it is considered that sufficient landscaping and green infrastructure has been proposed within this phase of the development to contribute to the appearance of the proposed development and its appearance within the Waverley development as a whole.

In assessing Biodiversity issues, Policy CS20 'Biodiversity and Geodiversity,' notes in part, that: The Council will conserve and enhance Rotherham's natural environment and that resources will be protected with priority being

given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets.

Policy SP33 'Conserving and Enhancing the Natural Environment' states, in part, that: Development should conserve and enhance existing and create new features of biodiversity and geodiversity value, and adds that:

"Development will be expected to enhance biodiversity and geodiversity onsite with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes."

The original outline application was accompanied by an Environmental Statement and a full Environmental Impact Assessment was carried out. The report considered the key environmental impacts including the impact of development on ecology and biodiversity. In addition to the Ecology Assessment, the applicant also submitted a Biodiversity Action Plan and an Ecological Management Strategy. The Ecological Assessment described those habitats and species present on and adjacent to site and assessed the impacts on those habitats to be created through the restoration proposals. The baseline conditions relating to habitats and species were identified through desktop surveys of national and local databases and from field surveys.

Objections have been received regarding the loss of trees and wildlife, however these issues were fully addressed under application RB2024/0224 – the enabling application. This required significant mitigation tree planting both on the application site and within Waverley as a whole.

The Ecological Appraisal accompanying this reserved matters application was also submitted with the enabling works application RB2024/0224 as this application had implications for ecology at the site. This appraisal includes an Extended phase 1 habitat survey including a risk assessment for protected/notable species and invasive species; bat activity survey; breeding bird survey; winter birds survey and a badger survey.

The findings show that there is some potential for protected/priority species to be present, which include foraging and commuting bats; nesting birds; schedule 1 and priority bird species; and foraging badgers. The Councils Ecologist has assessed the submission and agrees with the recommendations which can be secured via condition to address issues regarding sensitive lighting regarding bats, removal of vegetation outside of the bird breeding season and the provision of bird and bat boxes.

As the application is reserved matters subject to the outline permission BNG does not apply.

Having regard to the above the development is not considered to have an unacceptable impact on ecology in accordance with guidance contained within the NPPF.

#### General Amenity – Noise, Contaminated Land and Air Quality

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 watercourse*

*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.”*

The application is accompanied by an Assessment of Ground Conditions which has been assessed by the Councils land Contamination Officer who has noted that historically the application site has been occupied by railway sidings across most of the site and of more recent times by the Waverley East Open cast Site in the eastern half of the site.

Historical site investigations were undertaken in 2012 to assess ground conditions across the site, however these works were restricted due to site access at that time. The site investigation works provided for an initial assessment of ground conditions only and further site investigations are now required to determine coal mining legacy risks, geotechnical constraints at the site, ground contamination, and the potential for shallow coal mine workings and associated instability risks and the presence of fugitive ground gases. However, at the time of the application being submitted the site was still covered by trees and foliage which require clearing to enable the proposed future site investigation works required to be undertaken.

In summary, further supplementary site investigation works are required to be undertaken to confirm the geotechnical/geo-environmental risks associated with the site and to determine whether any further assessment and/or ground stability/remediation works are required. This is to ensure that the application site will be suitable for its proposed residential end use.

On this basis the Council's Land Contamination Officer raises no objections to the proposed development subject to the imposition of conditions.

The Coal Authority were consulted on the application and originally raised an objection, however the developers provided additional information and they withdrew their objection as the information confirmed that the development can take place in the manner proposed in relation to the highwall, subject to further investigation/ remedial works. The withdrawal of their objection is subject to ensuring that the recommended further investigatory works and any necessary remedial measures are carried out. These further works should ensure the safety and stability of the proposed development as a whole, including the buildings and external parts of the site such as roads, driveways and vehicle parking areas.

South Yorkshire Mining Advisory Service were also consulted on the application and note that the site is located in a coal mining referral area. The submitted ground report information recommends further assessment should

be made in relation to the backfill material across the highwall, and borehole investigations to assess the potential for shallow mineworking and the requirement for any stabilisation works. This can be secured via a condition, and on that basis they raise no objections to the granting of planning permission.

In terms of noise the developers have submitted a Noise Assessment with the application which takes into account noise audible at the site from road traffic along Highfield Spring, A630 (Sheffield Parkway) and the railway line, and well as the potential from the Advanced manufacturing Park to the north and Pasuda commercial site to the south. The Noise Assessment concludes that sound insulation to the dwellings as proposed in the document which means that taking into account the noise sources the World Health Organisation guideline internal noise level criteria is predicted to be met. Additionally, some private gardens are required to have 1.8m high sold walls or acoustic grade fences. The proposal also includes the provision of a 4m high noise barrier (combination of earth bund and fence on top to the south of the site, as well as to the north to act as a barrier between the dwellings and the commercial units.

The Environmental Health Officer has assessed the application and notes that the Noise Assessment concludes that internal and external ambient noise levels as detailed in BS8233:2014 can be achieved at all premises with appropriate mitigation measures including glazing, ventilation and the provision of acoustic fences. Therefore, they have no objections to the application subject to the imposition of conditions.

An Air Quality Assessment has been submitted in support of the application. An objection has been received on the basis that increased numbers of cars will lead to increased pollution. However, the Councils Air Quality Officer has been consulted on the application and raises no objections on the basis of the assessment being acceptable and concluding that there will be no significant impact on ambient air quality as a result to the proposal.

It is noted that there are overhead cables crossing the site, the Planning Statement notes that these will be grounded and can be diverted under the public spaces with sufficient easements and maintenance access. This process is being applied for separately and that all alignments and routes are in compliance with the proposed scheme.

It is therefore considered that the proposal is in compliance with Local Plan policies CS27, SP52 and SP54

#### Affordable Housing

The scheme provides 113 affordable housing units which is 63.8%. The Section 106 Agreement for Waverley New Community sets out that the development needs to provide 21% affordable housing across the site. This was in line with viability work submitted with the outline planning application.

The Section 106 Agreement then provides a cascade provision of affordable housing, originally providing 4 phases but it has been updated most recently in 2022 to change it to 3 phases given the density across the site has significantly decreased since the outline consent and masterplan.

This has been amended to increase phase 3 to 31% based on the remaining parcels to development to achieve a balance of 21% across the whole site as follows:

- Phase 1: 10% of the total number of Dwellings in this Phase;
- Phase 2: 17.7% of the total number of Dwellings in this Phase;
- Phase 3: 31% of the total number of Dwellings in this Phase;

This site falls into Phase 3 and requires 31% of homes to be affordable. In addition to this it is also noted that there is a site wide shortfall of 31 affordable housing units.

This application site is being brought forward alongside parcel 4C at Waverley, which is located by the lakeside. Within the application the applicants have noted that parcels 4C and 4D are Harworth's last two remaining residential parcels on Waverley. Both sites have been left until the end partly due to the location being on the edge of the masterplan area, but partly due to the technical challenges and constraints they contain. Parcel 4C is a long linear site that sits on a slope containing deep mine shafts that makes the formation of a conventional development platform challenging.

Given the technical challenges associated with these two parcels of land combined with the requirement for much higher levels of affordable housing than normal, as outlined above Harworth's conventional approach of delivering serviced land parcels for onward sale to housebuilders was not considered to be a viable option. Furthermore, the applicants have also stated that there has been very limited market interest in parcel 4C due to its linear nature and topographical constraints which is why the applicant has taken a holistic approach to these two parcels looking at innovative structures to ensure a high quality of design of the remaining affordable products are delivered to finish their flag ship development, whilst balancing the constraints and viability challenges.

This application site is the larger of the two parcels proposing 177 units, and as such the application seeks to deliver an affordable housing led scheme that could also accommodate the additional 31 affordable units required, making 86 affordable dwellings equating to 49% of the units proposed. The applicants have a partnership with the housing association Great Places, with 287 affordable homes currently under construction across 3 sites within their portfolio. As Great Places already own and operate existing affordable housing homes acquired from another house developer on Waverley from an earlier Phase, Great Places are well placed to extend their partnership with the applicants and deliver additional affordable homes at Waverley.

Given the affordable led nature of this scheme on the application site working in partnership with Great Places, the delivery of the balance of the affordable homes from 4C helps this scheme to become a good example of a tenure blind development maintaining a c.50:50 split between Great Places (85 Affordable Rent and Shared Ownership units), 28 First Homes and 64 Market Sale homes. The applicants have further stated that it enables a more effective management by Great Places rather than having the units distributed across two sites leading to a reduced cost of management and better customer service to the residents.

Given the linear sloped nature of 4C, delivering a high % of affordable housing here (31% plus share of additional 31 units) would make the parcel undeliverable by conventional means. Moving the affordable provision to where it can be best managed as part of a comprehensive balanced mixed tenure scheme, means the more constrained parcel of 4C can deliver house typologies that are more sympathetic to the sloped typology with stepped rear back gardens to minimise intervention to the slope and reduce retaining structures.

It has therefore been agreed that this site will also provide the affordable provision for 4C and hence why the proposal applies for 63.8% affordable housing.

This will be linked through a Section 106 Agreement to ensure the affordable housing is delivered appropriately on this site in line with the development coming forward on parcel 4C as well.

The Council's Affordable Housing Officer has assessed the proposal and accepts that the numbers of affordable units as well as the proposed mix of accommodation meets the identified housing affordable housing need and is therefore considered acceptable. This is to be secured via a S106 Agreement as noted above.

#### Other issues raised by Objectors

The issue regarding amenities at Waverley has been raised, however the medical centre at the site has been constructed and will open shortly, and the Olive Lane development is under construction. This area will provide the amenities for the whole of the Waverley Site. In relation to the School, this is also currently undergoing works to extend the size of the school in line with the S106 Agreement linked to the site to provide additional spaces in line with the number of houses built.

#### **Conclusion**

The principle of residential development on this site has been established under outline permission RB2008/1372, and renewed under RB2014/0775 and RB2015/1460 and RB2017/0743 and RB2022/1076 and as such is acceptable in principle.

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to have regard to the approved Masterplan Framework and Principles Document and the Waverley Waterside Design Code.

There are no objections to the proposals from the Council's Transportation Unit. Internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and Manual for Streets.

A comprehensive Flood Risk Assessment and Surface Water Drainage Strategy were submitted and approved as part of the outline approval, and this application is in line with this. In terms of the landscaping the applicants have provided an acceptable level of landscaping appropriate for the site. There are no objections to the proposed planting schemes from the Landscape Design team.

It is therefore recommended that planning permission be granted in accordance with the following conditions -

## 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. Condition numbers **12, 14, 19, 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 conditions rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **12, 14, 19, 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 approved must be begun not later than three years from the date of this reserved matters application.

### Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to comply with the conditions of the outline application RB2022/1076

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 (as set out below) –

- Location Plan n2200 RM-001 B
- Planning Layout n2200 RM-008 L
- Materials Plan n2200 600 G
- Boundary Treatments Plan n2200 700 H
- Illustrative Site Section n2200 703 F
- Drainage Strategy Sheet 1 of 2 WR4D-DCE-XX-XX-DR-C-5000
- Drainage Strategy Sheet 2 of 2 WR4D-DCE-XX-XX-DR-C-5001
- Foul and Surface Water Strategy WR4D TTE 00 XX DR C 101
- S104 Standard Details WR4D TTE 00 XX DR C 103
- Plot 4D Flow Routing Plan WR4D TTE 00 XX PL C 105
- Foul Crossing Below Feature 'D' WR4D TTE 00 XX DT C 106
- Substation Details GTC-E-SS-0012\_R2-2\_1\_of\_1

#### House types

- Hawthorne & Blackthorne Detached  
Elevations n2200 100-01  
Floor Plans n2200100-02
- Maple, Blackthorne & Hawthorne  
Elevations n2200 100-01 Rev B  
Floor Plans n2200 100-02 Rev B
- Hazel, Blackthorne & Hawthorne  
Elevations n2200 100-01 Rev B  
Floor Plans n2200 100-02 Rev B
- Willow, Blackthorne & Hawthorne  
Elevations n2200 100-01 Rev B  
Floor Plans n2200 100-02 Rev B
- Blackthorne & Hawthorne, Maple & Maple  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Hazel, Blackthorne & Hawthorne  
Elevations n2200 100-01 Rev A  
Floor Plans n2200 100-02 Rev A
- Rowan Semi  
Elevation n2200 100-01 Rev C  
Floor Plans n2200 100-02 Rev C
- Rowan & Hazel Terrace  
Elevations n2200 100-01 Rev C  
Floor Plans n2200 100-02 Rev C
- Ash, Rowan & Willow  
Elevations n2200 100-01 Rev C  
Floor Plans n2200 100-02 Rev C

- Ash, Rowan, Willow & Willow  
Elevations n2200 100-01 Rev E  
Floor Plan n2200 100-02 Rev E
- Ash & Hazel  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Hazel Semi  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Hazel Terrace  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Elm Semi-Detached  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Elm Terrace  
Elevations n2200 100-01 Rev A  
Floor Plans n2200 100-02 Rev A
- Elm 4 Terrace  
Elevations n2200 100-01 Rev A  
Floor Plans n2200 100-02 Rev A
- Willow Semi-Detached  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Willow Terrace  
Elevations n2200 100-01 Rev A  
Floor Plans n2200 100-02 Rev A
- Ash & Willow  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Ash, Willow & Willow  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Ash & Maple  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Ash  
Elevation n2200 100-01  
Floor Plans n2200 100-02
- Oak  
Elevations n2200 100-01  
Floor Plans n2200 100-02
- Oak Semi Detached  
Elevations n2200 100-01 Rev A  
Floor Plans n2200 100-02 Rev A

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details on the approved Material Plan n2269 600 Rev G

**Reason**

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

04

The boundary treatment shall be provided on site in accordance with the details of the approved Boundary Treatment Plan n2269 700 Rev H. The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

**Reason**

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

05

Notwithstanding the approved Boundary Treatment Plan, and prior to being erected on site details of the 900mm Knee Rail Fence shall be submitted to and approved by the Local Planning Authority. The approved Knee Rail Fence shall be provided on site.

**Reason**

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

06

Prior to being erected on the application site details of any boundary treatment/means of enclosure or gates to be erected at the Network Rail access points shall be submitted too and approved by the Local Planning Authority.

**Reason**

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

07

Prior to the commencement of overground development details of bin stores for Plots 11, 15, 22, 35, 50 & 89 shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented on site before each plot is occupied.

**Reason**

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

08

Prior to the noise barrier being provided on site, full details to include elevations and details of materials shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented on site.

Reason

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

## TRANSPORTATION/SUSTAINABILITY

09

The development shall not be brought into use until a signal controlled pedestrian / cycle crossing in Highfield Spring as shown in draft form on Drg No 008 rev L has been provided in accordance with details which shall have been submitted to and approved by the Local Planning Authority. (The scheme will be subject to a Road Safety Audit stage 2)

Reason

In the interest of highway and pedestrian safety.

10

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 in accordance with Local Plan Policies

11

Before the development is brought into use the car parking area shown on the approved site plan 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.

12

Before the development is commenced road sections, constructional and drainage details shall be submitted to the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason

No details having been submitted they are reserved for approval.

13

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

Reason

To promote sustainability in accordance with the Local Plan and the NPPF.

14

Prior to the commencement of the development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Plan shall provide for; Vehicle routing / storage / loading / unloading of materials & plant / measures to ensure muck is not brought into the public highway and car parking facilities for the construction staff.

Reason

In the interest of highway safety.

## AMENITY

15

Prior to occupation of each plot glazing and ventilation shall be provided and installed to achieve the minimum noise reduction criteria for each plot as specified in Appendix C, SK03 (Outline Noise Mitigation Strategy – Habitable Rooms) of the Noise Assessment Waverley 4D by Sharps Redmore, dated 24th February 2024 (Project No 2321828).

Reason

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

16

Acoustic fences or walls shall be provided and installed as specified in Appendix C, SK04 (Outline Noise Mitigation Strategy – Gardens) of the Noise Assessment Waverley 4D by Sharps Redmore, dated 24th February 2024 (Project No 2321828). Fences shall be a minimum height of 1.8m, solid, continuous, sealed at all interfaces and have a minimum surface density of

10kg/m<sup>2</sup>. The fence shall be provided on each plot before each dwelling is occupied and maintained in good order throughout the lifetime of this consent.

**Reason**

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

**17**

All rear facing windows on the Rowan house type shall be obscure glazed and shall remain obscure glazed for the lifetime of the development.

**Reason**

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

**18**

All earthworks and construction works shall be undertaken in accordance with the submitted Waverley Parcel 4D Construction Environmental Management Plan by Bentley Project Management, dated 20th February 2024 (V1.3)

**Reason**

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

## **GROUNDWATER/CONTAMINATION AND GROUND CONDITION**

**19**

Prior to development works commencing, supplementary Site Investigation works complete with ground gas monitoring shall be undertaken to assess the geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority.

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

**Reason**

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

**20**

Subject to the findings of Condition 19 above and prior to any remediation works commencing on site, a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given

the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved works shall be implemented on site.

**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.

**21**

Subject to the findings of Condition 19 above and prior to development commencing, a Detailed Design Report for Gas Mitigation Measures to provide details of the identified gas protection measures required, complete with drawings to show how the gas protection measures will fit into the overall building designs shall be submitted to and approved by the Local planning Authority. The approved details shall be implemented on site.

**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.

**22**

Post construction, a Gas Verification Report for each building to confirm that the measures constructed/installed meet the required standards along with an Inspection Report for each building shall be submitted to and approved by the 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.

**23**

Due to potential elevated sulphate concentrations being detected, any buried concrete to be used on site shall be designed to a design sulphate classification of DS-2 for made ground, with a corresponding ACEC class of AC-2. The design sulphate classification used will need to be evidenced.

**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.

**24**

Suitable water supply pipes have been specified for the site which are considered capable of resisting chemical attack from residual contaminants

remaining within the made ground. The use of these approved water supply pipes will need evidencing within a Verification Report for the site.

**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.

**25**

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.

**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.

**26**

Post construction, if subsoil/topsoil is required to be imported to site for remedial works/areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination.

**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.

**27**

Following completion of any required remedial/ground preparation works a Verification Report shall be submitted to and approved by the Local Planning Authority. 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 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.

**28**

Prior to any above ground development commencing on site a suitably qualified third-party consulting engineer shall be appointed to undertake site investigations, potential ground remediation and design mitigation requirements. The developer shall ensure the investigations are planned and actioned in a timely manner in the context of the wider development and in consideration of Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable.

All recommendations included within the RSK "Waverley 4d Buried Highwall and Shallow Coal Workings" letter dated 18th April 2024 ref 350567/L03/jh shall be carried out and findings included within the report. The scope of works shall include but not be limited to the following-

- Rotary boreholes to target areas of uncertainty regarding unrecorded underground coal mine workings.
- Evaluation of the opencast highwalls and the suitability of opencast backfill.
- Further geotechnical & load testing to classify materials and inform foundation and pavement design.

An interpretive geotechnical and design mitigation report undertaken by the third-party consulting engineer shall be submitted to and approved by the Local Planning Authority prior to construction. The approved details shall be implemented on site.

#### Reason

In the interest of land stability in accordance with NPPF sections 183 a,b,c. 184 and 174 e & f.

## LANDSCAPING & ECOLOGY

29

Landscaping of the site as shown on the approved plans (BM3 drawing nos. 71967 /D900 Rev F, 71967/D901 Rev F and 71967/D902 Rev F) shall be carried out during the first available planting season after commencement of the development and thereafter maintained for the lifetime of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

#### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with the Design Code and Local Plan Policies.

30

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and public realm areas shall be submitted to and approved by the Local Planning Authority prior to the completion or first occupation of the part or phase of development to which it relates, whichever is the sooner. The management shall thereafter be carried out in accordance with the agreed management scheme.

**Reason**

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public and biodiversity significance

31

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

**Reason**

In the interest of biodiversity at the site in accordance with Policy CS20 'Biodiversity and Geodiversity' and guidance contained within the NPPF.

32

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 the interest of biodiversity at the site in accordance with Policy CS20 'Biodiversity and Geodiversity' and guidance contained within the NPPF.

33

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 homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

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

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure

- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

#### Reason

In the interest of biodiversity at the site in accordance with Policy CS20 'Biodiversity and Geodiversity' and guidance contained within the NPPF.

#### Informatives

01

##### Ground Conditions

SYMAS -The site is located within a Coal Authority coal mining referral area due to the presence of opencast backfill, opencast highwalls, shallow workable coal and potential shallow coal mineworking's. The land could therefore be at risk from mining legacy risks such as ground instability and fugitive gas migration. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner.

The Coal Authority - Further works required in condition 29 should ensure the safety and stability of the proposed development as a whole, including the buildings and external parts of the site such as roads, driveways and vehicle parking areas.

The applicant should note that Permission is required from our Permitting & Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

#### 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

02

Network Rail

A Basic Asset Protection agreement which will cover the relationship between construction activity and the protection of the railway infrastructure shall be entered into Network Rail.

03

SYF&R

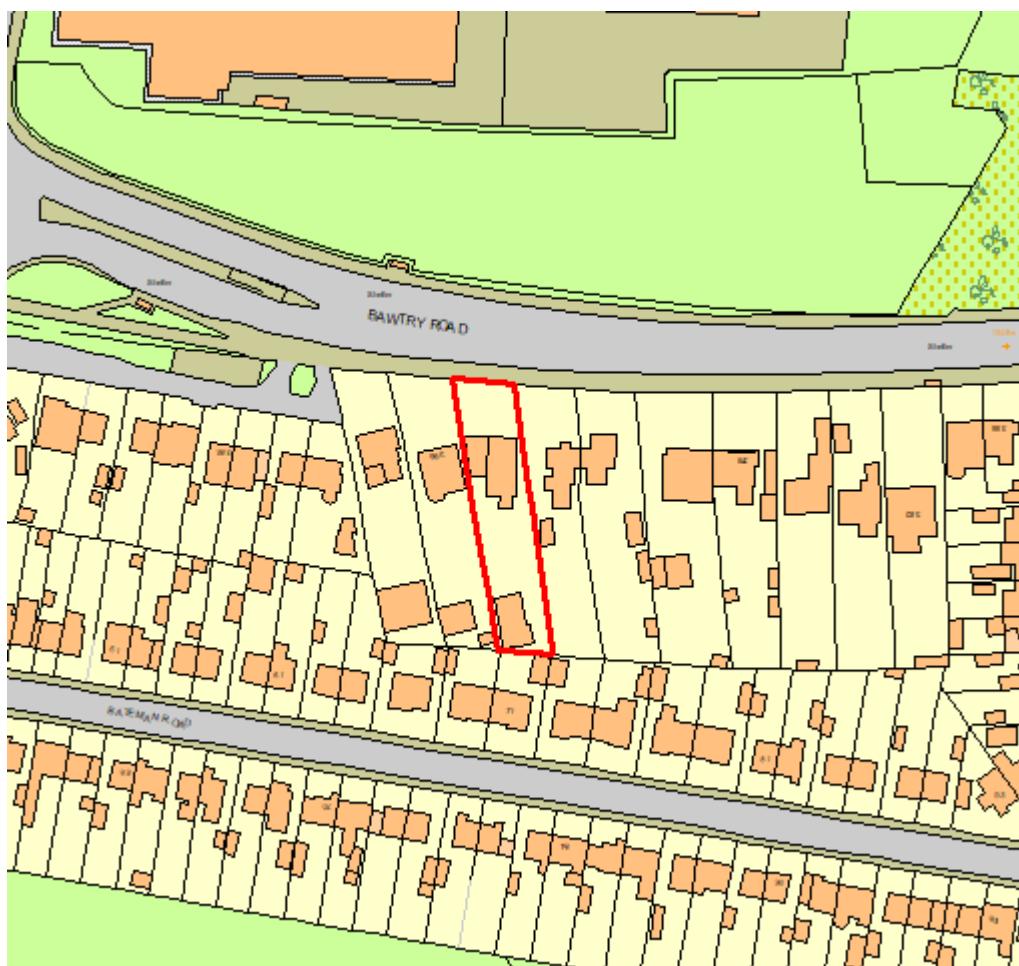
South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site.

## **POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2024/1025</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/1025">https://rotherham.planportal.co.uk/?id=RB2024/1025</a>
<b>Proposal and Location</b>	Removal of rear conservatory and canopy to side, single storey front, side and rear extension, two storey side extension, new roof over flat roof two storey rear extension and render the whole existing property and proposed extensions at 368 Bawtry Road, Hellaby, Rotherham.
<b>Recommendation</b>	<b>Granted Conditionally</b>

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



### Site Description & Location

The application site consists of a detached property on Bawtry Road at Hellaby. The area consists of a mix of detached and semi-detached properties both two storeys and bungalows within the street scene and surrounding area. The host property sits between Nos 366, which is a detached bungalow and 370 which is a large semi-detached property.

### Background

RB1980/3826: Two-storey extension and a porch - Granted conditionally

RB1990/0147: Front porch, car port and rear extension - Granted conditionally.

RB2001/1750: Rear extension at first floor level - Granted conditionally.

RB2022/0900: Demolition of canopy/carport, conservatory & garage and erection of two storey front/side extension including increase in roof height, single storey front & side/rear extension, detached garage to rear and replacement of front boundary – Refused

Reasons for refusal:

1. The two-storey side and front extension by virtue of its projection and having no set down or back from the front elevation along with the overall and dominant increase in the height of the roof results in a disproportionate addition to the original property which harms the character and appearance of the original house. Furthermore, the property as extended would dominate the neighbouring bungalow property and would result in a roof considerably higher than any neighbouring properties within the street scene. The proposal would be materially detrimental to the street scene and locality.
2. The proposed garage due to its size and height would have a detrimental impact on the amenity of neighbouring properties by virtue of its overshadowing and overbearing impact (specifically 69 and 71 Bateman Road). The garage is considered to be a disproportionate outbuilding which is out of keeping with the size of the plot
3. The demolition of the existing stone wall and replacement with a taller wall, which would have a render finish, would result in a poor visual appearance in the streetscene, contrasting with other existing stone front boundary walls in the vicinity

RB2024/1029 - Application for Lawful Development Certificate re: erection of outbuilding/ garage – Granted

## **Proposal**

The applicant seeks planning permission for the removal of rear conservatory and canopy to side and the erection of single storey front, side and rear extension, two storey side extension, a new roof which incorporates the flat roof two storey rear extension and render to the whole existing property and proposed extensions.

The proposed two storey side extension to the west elevation would project 3.6m from the existing side elevation, which is 0.4m over half the original dwelling. The proposed single storey side extension would project an additional 2.4 metres at the front but reduces to a projection of 3.7m due to the sloping nature of the side boundary. The two storey element will be set back from the principal elevation by 3.9m. the two storey side extension is not to be set down from the existing dwelling ridge.

The single storey front infill extension will remain a lean to roof and will project 2m to be inline with the existing front projection of the garage.

The single storey rear extension proposed will project 4m from the rear elevation, and with the single storey side extension to the east would create a wraparound that will project 2.3m from the side elevation. A flat roof is proposed with roof lantern to the rear along with French doors.

Materials proposed will include render to all elevation of the existing dwelling and proposed extensions.

It is noted comments have been made in regard to the application facilitating an expansion of a HMO, the proposal has been submitted as a householder application as such is to be assessed as a householder application. Further comments will be discussed throughout the report.

## **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:

Core Strategy policy(s):  
CS28 'Sustainable Design'

Sites and Policies Document policy(s):  
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.

Rotherham Adopted SPDs:

Supplementary Planning Document - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council in June 2020

## **Publicity**

The application has been advertised by way of individual neighbour notification letters to adjacent properties. 16 letters of representation have been received from 8 separate households/individuals. The objections can be summarised as follows;

In response to the plans:

- The proposal would not directly affect neighbouring property, only during the building works.
- Concerns with the overgrown garden, hedgerow and the existing dilapidated garage. Would like more information in regards to the plans for the garden and removal of the existing garage.
- The proposal will cause implications in regards to a loss of light to neighbouring property. In particular the proposed two storey side extension.
- The proposed extensions would ultimately lead to the property becoming an HMO.
- The proposed extensions would lead to overdevelopment.
- Concerns in regards to access to the main road following the proposed extensions
- Impact of neighbours privacy due to windows proposed.
- This proposal is a scaled down version of the previously refused application.
- Concerns in regards to traffic and potential flooding that the garage granted Lawful Development Certificate application RB2024/1029 will cause.
- The proposal would ultimately be out of character with the existing village.
- Concerns in regards to the appearance of the two storey side extension to the west.
- The proposal will result in noise and dust pollution to neighbouring properties.
- Neighbouring dwelling has a main bedroom and bathroom windows facing the proposed two storey side extension. The loss of light currently experience would be exacerbated by the proposal.
- Concerns electricity supply will be cut off during works being carried out which would be inconvenient.
- Objections still remain following the amendments made.

## **Consultations**

RMBC – Transportation Infrastructure Service has no objections to the proposal.

## **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**

Visual Amenity and Impact on Residential Amenity

### **Principle**

The property is located in an area identified for residential use in the Local Plan. The principle of extending a residential dwelling is acceptable subject to other material considerations which are detailed below.

### **Visual Amenity and Residential Amenity**

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design.

Sites and Policies Document Policy SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings." It adds that: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals (amongst others):

- a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development"

This approach is also echoed in National Planning Policy in the NPPF. The NPPF states: "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 adds: Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

The NPPF further adds at Paragraph 139;

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.

The supporting text to Policy SP55 ‘Design Principles’ at paragraph 4.330 states: “Supplementary Planning Document: Householder Design Guide (June 2020) provides information to households wishing to alter or extend their property.”

The Council’s SPD Householder Design Guidance, June 2020, states that “Single storey rear extensions are generally an acceptable and extensions on or close to a boundary, should project no more than 4m from a neighbouring property’s existing rear elevation.”

In relation to front extensions, the SPD states that:

“Front extensions are eye catching and can significantly alter the appearance of a building. In general, bay windows should be retained and on terraced and semi detached properties single storey extensions that extend across the entire frontage and two storey front extensions will normally be refused. Front extensions should not harm the character and appearance of the host property or be of a design out of keeping with others in the street. The impact on the amenities of the neighbouring property should also be considered and any front extension should project no more than 2 metres, or 1 metre where it is within 2 metres of a neighbouring window. Porches should be individually designed to follow the character of the existing building and the introduction of features such as classical columns, pediments and rustic timbers etc will not be accepted unless they are a feature of the original house.”

In relation to two storey side extensions, it states that: "Two storey side extensions should generally be set back by a minimum of 0.3 metre at first floor level on the front elevation, with the roof set down and back from the main body of the house. This is in order to create a subservient extension and to prevent it unbalancing a pair of semi-detached properties. In addition the roof style of the extension should match that of the host property and parapet walls should be avoided. Where the semi is hipped, the extension should have a hipped roof and likewise with a gable roof. The Council will be critical of two storey side extensions of excessive width. Any such extension should not exceed more than half the width of the original house. Where the existing house is narrow or this would result in an impractical extension it may be acceptable to have an extension slightly more than half the width of the house but this should be offset with a greater set back at the first floor to a minimum of 0.5 metre."

While "Single storey side extensions are generally an acceptable feature on domestic properties and the current permitted development rights allow an extension to be constructed without planning permission up to half the width of the original house. The Council will be critical of side extensions of excessive width and for a single storey extension this should not exceed more than 2/3 the width of the original house."

The proposed extensions are relatively substantial to the property and in the whole do not comply with the advice within the Householder Design Guide SPD for a number of reasons.

The front extension extends across the whole front elevation and the incorporated side extension exceeds 2/3 of the width of the original property. However, it is noted that the existing property has a canopy across the entire width of the property and an existing side projection which is very similar to that proposed under this application. In this instance, the works to the front of the property are considered to be an improvement to its design and do not exceed the existing projections.

With regards to the two storey side extension, whilst this slightly exceeds half the width of the original property it is set back from the front elevation considerably (by almost 4 metres) and therefore will appear as a subservient addition. It is not set down from the roof to enable a consistent roof line to also replace the flat roof extension to the rear of the property. The roof height is not increased over the existing property but it is considered that incorporating a consistent roof in this instance which will replace the flat roof to the rear is beneficial in both design and maintenance aspects.

Overall, the proposed extensions are considered to be acceptable additions in design terms and would not be detrimental to the appearance of the property or the street scene. The host dwelling is set back considerable from the main highway and neighbouring dwelling differ in built form. The proposal will introduce render to the existing dwelling and proposed extension, the street scene offers a mixture of materials the majority being red brick and render. As

such the proposal extensions and use of render would not significantly impact the existing character of the area or street scene.

In terms of the impact on neighbouring properties,

The proposal would also introduce a single storey side and single storey rear wrap around extension. The single storey rear extension would be situated closer to the neighbouring dwelling to the east no. 370 however, the rear extension would not project more than 4m from the neighbouring dwelling no. 370 to the east. Whilst it would project more than 4m from the neighbouring dwelling no.366 the rear extension is off set significantly from the shared boundary with no. 366.

In relation to the two storey side extension, the proposals have been significantly reduced during the course of this application in order to reduce the impact to neighbouring bungalow dwelling no. 366. No.366 has a main habitable room to their eastern side elevation. As such the two-storey side element has been set back to meet a 25 degree vertical clearance to this window and prevent an overbearing and overshadowing impact. In addition, the relationship with No. 366 to the rear has been assessed and the two storey side extension does not come within a 45 degree angle of the rear windows of this neighbouring property. It is therefore not considered that it would result in a significant overshadowing or overbearing impact on the rear windows of the neighbouring property at 366. This is further supported by the aspect as the rear of the properties face south and therefore overshadowing to neighbouring properties to both the east and west will be minimal.

The changes to the roof including the pitched roof over the two storey rear extension are not considered to significantly affect the amenity of neighbouring properties. In particular, the built footprint of the rear extension is existing and the roof over this is hipped to lessen any impact of overshadowing or overbearing nature.

Concerns have been raised in regard to the loss of light that the two storey side extension will cause to neighbouring bungalow property no.366. The neighbours' concerns regard the light lost to the bathroom window and main habitable bedroom window. The bathroom window is non habitable obscurely glazed window wouldn't impact on residential amenity. Concerns were also raised in regards to the loss of light to the main habitable room, efforts have been made to reduce the impact to residential amenity following amended plans, which show a set back to the two storey side element and the impact is therefore considered to be acceptable.

#### Additional matters

Concerns in regard to traffic, noise and sound:

The dwelling would remain in residential use and it is acknowledged that there may be some disturbance during the construction period and additional traffic

associated with construction. However, given the scale of the proposal, any impacts would be short lived and would be insufficient to warrant refusal.

Maintenance of boundary treatment and maintenance of property:

The proposed maintenance of a boundary treatment and future maintenance of property is a civil matter for interested parties to resolve between them, which can be discussed through a party wall agreement. However, this is not a planning issue.

### **Conclusion**

In this instance it is not considered that the combined amended proposal would significantly impact the appearance of the property or the character of the area, the proposed extensions reflect a sympathetic design to the host property. Highways has no objections. It is also not considered that the proposal would have an unacceptable harmful impact on neighbouring dwelling by virtue of a overshadowing, overbearing or overlooking nature.

### **Conditions**

01

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

#### **Reason**

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

02

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

AMENDED Proposed Elevations received 14 OCTOBER 2024

AMENDED Proposed Floor Plans received 14 OCTOBER 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 development hereby permitted shall be in accordance with the details provided in the submitted application form. The development shall thereafter be carried out in accordance with these details.

#### **Reason**

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

04

There shall be no additional windows inserted at first floor without prior written consent of the Local Planning Authority.

Reason

In the interest of preventing loss of privacy to neighbouring properties

## **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.