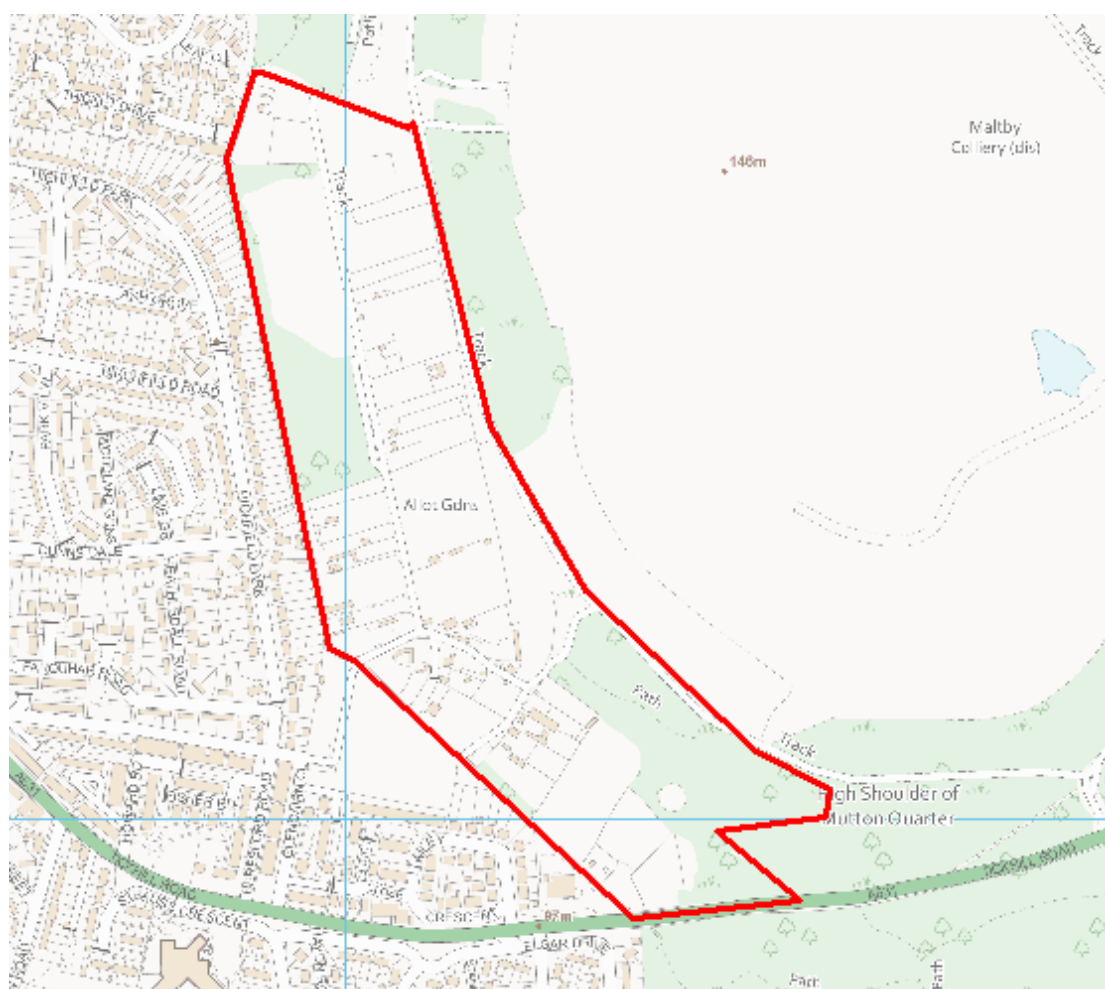


REPORT TO THE PLANNING BOARD TO BE HELD ON THE 10 April 2025

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

Application Number	RB2024/1538 https://rotherham.planportal.co.uk/?id=RB2024/1538
Proposal and Location	Discharge of conditions 25 (Remediation Method Statement) & 32 (Waste Management) imposed by planning application RB2022/1638, Land North of Tickhill Road, Maltby
Recommendation	Grant Conditionally

This application is being presented to Planning Board at the request of Councillor Tinsley.



Site Description & Location

The application site forms an area of largely disused allotments, woodland and a former sports field set between Maltby and the former Maltby Colliery. The application is set over 15.9 ha and runs from the Tickhill Road along the line of the large Maltby Colliery spoil heap.

The site includes pedestrian accesses to the adjoining residential estate, with two Public Rights of Way (Maltby Footpath no. 2 and Maltby Footpath no. 18) running through the site. The southern element of the site includes Maltby Ancient Woodland.

The site predominantly follows the boundary of the allocated Housing Site H70, though excludes from this allocation the existing public open space area (approximately 1.5 hectares) located at the rear of 161 – 179 (odd) Highfield Park and 8-35 (inclusive) Aldersgate Court. Additionally, the site includes land to the east of the H70 allocation and around the site access which is within the Green Belt (approximately 3.4 hectares) as well as an area to the east allocated Greenspace (approximately 0.4 hectares).

The entrance to the site forms part of the Mallin Croft Wood Ancient Woodland, as well as part of the Maltby Commons and Woodlands Local Wildlife Site, which also runs adjacent to the northern boundary of the site, whilst within the site is Maltby Wood South, a 'candidate' Local Wildlife Site.

Background

MA1951/0089 - Land Adj Woodside Cottages - GRANTED CONDITIONALLY

RB1976/2281 - Environmental improvements works in connection with g.i.a. – GRANTED

MA1967/1122 - Outline for bungalow – REFUSED

RB2022/1638 - Outline planning application, with all matters reserved except means of access, comprising up to 185 dwellings, vehicle and pedestrian access, parking, public open space, landscaping and associated works - GRANTED CONDITIONALLY

RB2024/0841 - Reserved matters application details of landscaping, scale, external appearance and layout for the erection of 185 dwellinghouses including discharge of conditions 04, 05, 06, 07, 08, 13, 14, 15, 18, 21, 22, 23, 30, 31 reserved by outline RB2022/1638 - Currently undetermined

Proposal

This application relates to the discharge of conditions attached to an outline permission for residential development (Ref RB2022/1638). The applicant seeks permission to discharge conditions 25 (Remediation Method Statement) & 32 (Waste Management) imposed by the original outline planning permission RB2022/1638.

Condition 25

Subject to the findings of Condition 24 and prior to development (excluding site clearance) commencing, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works

commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

Condition 32

Prior to above ground works a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 1) information on the amount and type of waste that will be generated from the site;*
- 2) measures to reduce, re-use and recycle waste within the development;*
- 3) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;*
- 4) measures to minimise the use of raw materials and minimise pollution of any waste;*
- 5) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;*
- 6) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and*
- 7) details on how the development will be monitored following its completion. The agreed details shall be implemented and thereafter maintained.*

Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

The applicant's Waste Management Plans States:

This WMP is a framework document intended to guide how waste should be managed during both the construction phase and operational phase of the Proposed Development to satisfy Condition 32 of the Reserved Matters

planning application to be submitted to RMBC. The WMP is considered a 'live document' which will be updated throughout the construction phase, and adapted during the operational phase, where applicable, to reflect future legislation and recycling markets.

Waste will be managed in line with the waste hierarchy during both phases in order to minimise waste production and maximise the re-use and recycling of materials.

The CWMP provides a guide to the appointed construction contractors for how materials should be managed efficiently and disposed of legally during the construction of the development, explaining how waste would be prevented and how the re-use and recycling of materials would be maximised. It is expected that the Principal Contractor would update the CWMP as the development progresses.

The CWMP identifies the types and amounts of waste that are likely to be produced by the residents of the Proposed Development, and outlines measures that will be incorporated into the Proposed Development to ensure the maximum recycling, reuse and recovery of waste at the Site.

It is considered that, with adherence to the recommendations within this WMP, the Proposed Development would comply with national, regional and local waste management requirements.

The Applicant's remediation strategy states that:

The remediation strategy for the site at Tickhill Road, Maltby, primarily involves:

- Reviewing prior investigations and reports, including the latest topsoil sampling results and the Remediation Options Appraisal.
- Segregating the site into distinct areas based on contamination levels:
- Area A: Some soils may be suitable for reuse after removing visible asbestos and other anthropogenic materials. Additional clean soil cover may be needed in areas with higher contamination.
- Area B: Topsoil requiring removal from private gardens to be used in non-infrastructure landscaping or Public Open Space (POS), followed by clean capping. Surplus contaminated soil might require off-site disposal.
- Area C: Soil deemed suitable for reuse without additional remediation.
- Allotment Area: Topsoil not suitable for allotment use but potentially reusable in residential gardens and POS (except near TP212 due to elevated lead levels).

- Implementing measures to address asbestos contamination, including hand-picking visible fragments, dampening soils during excavation to minimize dust, and conducting ongoing monitoring.
- Preparing a Materials Management Plan to document how materials will be excavated, tested, stored, and reused, ensuring compliance with regulatory standards.
- Supervising remediation activities and maintaining detailed records for eventual inclusion in a Verification Report.
- Performing a phased approach to site preparation to manage surface water, segregate contaminated materials, and maintain clean and contaminated stockpiles separately.
- Adjusting site levels to achieve a materials balance, minimize foundation depth adjustments, and provide stable platforms for development.
- Ensuring all remediation measures are verified and approved, with the final Verification Report certifying that the site is rendered safe and suitable for the intended residential development.

The Applicant's Gas Risk Assessment states that:

1. Background: The site is located near Maltby Colliery and covers 16 hectares. The development involves constructing 137 residential units. Gas monitoring was performed at the request of the local authority to assess the potential hazards posed by gases from a nearby spoil heap and deep made ground.
2. Scope of Works: The gas monitoring focused on methane, carbon dioxide, and oxygen concentrations. Monitoring took place across six visits between December 2024 and March 2025, as per CIRIA guidelines. Monitoring points were set in 8 boreholes to assess gas levels.
3. Gas Monitoring Results: The monitoring found no methane presence across all visits. The concentrations of carbon dioxide were generally low, with steady flow rates observed, but no significant sustained flows. This suggests that gas migration from the spoil heap is minimal and does not pose a significant risk.
4. Current Guidance: The gas regime was assessed using the CIRIA C665 methodology, categorizing the site as Characteristic Situation 1 (CS1) based on the recorded gas concentrations and flow rates. This indicates a very low risk from hazardous ground gases.
5. Scope of Protection Measures: No specific gas protection measures are required for the proposed development, as the gas concentrations

and flow rates are not significant enough to warrant additional protective measures.

6. Radon: The site is in an area with a low probability (1-3%) of radon exceeding the action level. Therefore, basic radon protection measures are not required but could be considered as a precautionary measure in line with the UK Health Security Agency's advice.

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 development (Housing Site H70). For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS27 'Community Health and Safety'

SP52 'Pollution Control'

SP54 'Contaminated and Unstable Land'

WCS7 'Managing Waste in All Developments'

Other Material Considerations

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

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

National Planning Practice Guidance (NPPG)

Publicity

There is no legal requirement to consult neighbours for a discharge of condition application, however the local Ward Member Adam Tinsley and the Maltby Town Council have raised observation regarding the land contamination condition.

Maltby Town Council State:

Placed on local authorities introduced by the Environment Act 2021, Maltby Town Council wish to lodge an observation concerning the contaminated topsoil found at RB2024/1538. The Council would like to know where the topsoil is being deposited and expressly does not want it deposited on the Maltby Pit Top - they seek assurances that this will not be the case.

Cllr Adam Tinsley states:

In application 0453 the applicant seeks to offer garden allotments on the northern part of the site. As identified in this application the land tested doesn't include the allotment land. Therefore in line with responsibility's of the environmental protection act 1990 part 2a i would urge the council to reject this application. As items such as land contamination should be dealt within a planning application and the allotment land has been excluded. As contamination has been found and evidenced within these reports it would be reasonable to presume land adjoining is also contaminated.

Both objectors and the applicant have requested the right to speak.

Consultations

RMBC – Land Contamination: Considers the information is acceptable to discharge this condition.

RMBC – Waste Manager: 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 only issues for considerations in the determination of the discharge of condition app are whether the submitted details accord with requirements of the conditions.

Condition 25 Remediation Method Statement

Policy SP 54 states that:

“Contaminated and Unstable Land 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; and

d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”

In relation to remediation of the allotment site, the latest remediation strategy was specifically revised to include for the allotment area. 13 samples have been taken in this area and the remediation has been outlined in the strategy. This area will be remediated and suitable material for the allotment area will be provided as suggested in the Remediation Report.

The applicant has provided a comprehensive remediation strategy along with additional gas monitoring data. The remediation strategy has also been updated to address land contamination issues within the area of the site to become allotments.

Condition 26 of the original permission requires a post construction verification report is to be provided, following the completion of development.

The Council's Environmental Health (Contaminated Land Officer) considers the information is acceptable to discharge this condition.

Condition 32 Waste Management Plan

Policy WCS7: Managing Waste in All Developments states:

A. All development proposals (excluding minor planning applications) must submit a waste management plan as part of the planning application. In particular, such plans will need to include:

1) information on the amount and type of waste that will be generated from the site

2) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);

3) an assessment of the potential to re-use or adapt existing buildings on the site (if demolished it must explain why it is not possible to retain them);

4) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;

5) measures to minimise the use of raw materials and minimise pollution of any waste;

6) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;

7) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and

8) details on how the development will be monitored following its completion.

B. Where waste management plans include on-site recycling, recovery and re-processing provision they must demonstrate how these activities will comply with the requirements set out under policy WCS6.

C. Proposals for non-waste development must not prevent or prejudice the delivery and operation of waste management facilities within the vicinity of the safeguarded and allocated sites set out under policies WCS2, WCS3 and WCS5.

The applicant has submitted a comprehensive Waste Management Plan intended to guide how waste should be managed during both the construction phase and operational phase of the Proposed Development to satisfy Condition 32. The Waste Management Plan is considered a 'live document' which will be updated throughout the construction phase, and adapted during the operational phase, where applicable, to reflect future legislation and recycling markets.

The Council's Waste Manager considers the details acceptable and as such subject to the development being undertaken in accordance with the plan the condition can be discharged.

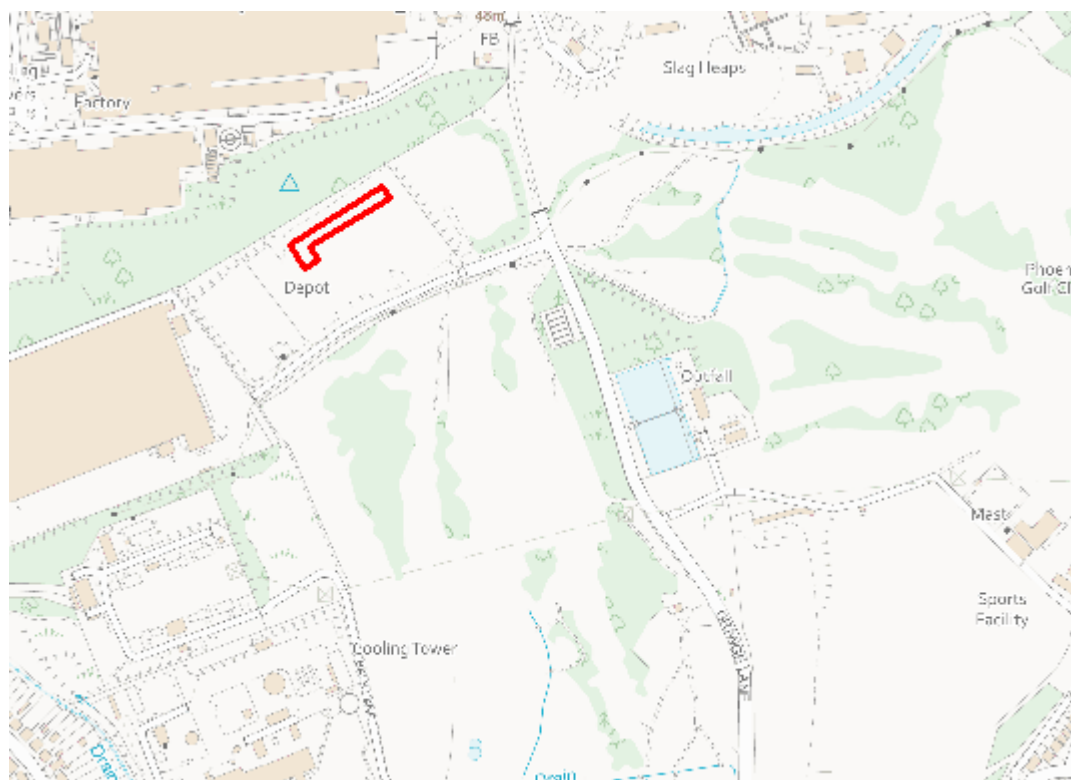
Specifically in relation to questions raised by the Town Council and Local Councillor in regards to deposition of material on Maltby Tip, the applicant has confirmed that while the exact location of the deposited topsoil has yet to be determined, we are committed to ensuring that no waste is placed on the Maltby Pit Top.

Conclusion

That the two conditions be discharged, subject to approved details being implemented.

Application Number	RB2025/0060 https://rotherham.planportal.co.uk/?id=RB2025/0060
Proposal and Location	Extension to new building to provide storage facilities at MTL Advanced Grange Lane Brinsworth
Recommendation	Granted Conditionally

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



Site Description & Location

The application site is located approximately 2.5km to the south-west of Rotherham Town Centre. Immediately to the north lies the industrial area of Rotherham Road, Templeborough with a mixture of industrial uses including waste and metal recycling, haulage and distribution and manufacture. To the west of the site lies the boundary between Rotherham and Sheffield. Ferrars Road in Sheffield is the closest residential area, located some 140 metres to the west of the site boundary. Immediately to the south of the site is an electricity substation beyond which lies the BOC facility. Also to the south of the site is the Phoenix Golf Course.

The site is accessed off Grange Lane via Bawtry Road. Residential properties are located on Bawtry Road approximately 700 metres to the south of the application site.

The application site formerly comprised of a large area of hardstanding at the end of Grange Lane within the boundary of MTL, on the edge of the Brinsworth and Templeborough areas of the Borough.

The site now comprises of the building approved under RB2023/1471 which is currently at the internal fit out stage and is due to commence operation imminently.

Background

There have been a number of planning applications submitted relating to this site the most recent and relevant of which are:

RB2007/1917 – Change of use to light industrial (use class B1(c)) with ancillary storage and distribution (use class B8) – Granted Conditionally.

RB2010/0909 – Alterations to external appearance and the installation of flues and siting of tanks & compressor house – Granted Conditionally.

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

RB2016/1099 – Retrospective application for use of land as storage and distribution depot for containerised goods – Granted Conditionally.

RB2017/1106 – Retrospective application for change of use to B2 (general industry) – Granted Conditionally

RB2023/1471 – Erection of industrial unit/offices and car parking – Granted Conditionally

RB2024/0467 – Application to discharge conditions 27 and 28 imposed by RB2023/1471 – Granted

RB2024/0592 – Application to discharge of condition 15 imposed by RB2023/1471 – Granted

RB2024/0652 – Application to discharge of condition 3 imposed by RB2023/1471 – Granted

RB2024/1514 - Application to vary condition 7 (now condition 6) (revision of operating hours – to allow 24hr use) imposed by RB2023/1471 – Granted Conditionally

RB2024/1759 – Display of various illuminated and non-illuminated signage – Granted

Biodiversity Net Gain (BNG)

The proposal is considered to be exempt from the BNG plus 10% requirement as the proposal is deemed de minimis due to it being sited on existing hardstanding with no loss of habitat.

Proposal

The application is seeking permission for an extension to the rear and side of the recently approved warehouse building on the site.

The extension to the rear would be fully enclosed, whereas the addition to the side would be a canopy style structure, all of which will be used for storage purposes and no further equipment will be installed.

The extension will also not increase employee numbers.

The additions will be finished in materials to match the existing building, which is a steel frame with composite Kingspan Roofing and wall panels.

The building footprint will be increased by 1237sq.m.

The extension to the rear would project out approximately 14.9m and would occupy approximately 83.1m of the rear elevation of the building. It would have a ridge height of approximately 11.1m.

The canopy addition to the side would project out approximately 18.1m and be set back from the front of the building by approximately 30m and would have a flat roof at approximately 8.1m high.

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

Design and Access Statement

The Statement provides a brief overview of the development.

Travel Plan

The aims of this document are to:

- Maximise the attractiveness of the site by highlighting the accessibility of the site via a range of travel options; and
- Minimise the impact the development has upon the environment and local highway network by promoting the use of sustainable travel options above less sustainable modes.

The objectives of this document are to:

- Determine the range of travel options available to employees and visitors;
- Maximise the use of sustainable travel modes amongst employees through effective promotion and engagement; and
- Use suitable monitoring and reporting mechanisms to assess, over time, the impact of the measures within this Travel Plan report.

Noise Assessment Addendum

The assessment is the same document submitted for the recent application to vary the operating hours at the previously approved building.

Arboricultural Impact Assessment

The report confirms that no tree works are required to facilitate the development and all trees on site are located well away from potential construction activity.

Transport Statement Addendum

The statement sets out that the proposed warehouse extension is not expected to result in the uplift of staff at the site and, therefore, the information included in the Transport Statement for the original building is still relevant.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

Local Plan policy(s):

CS20 'Biodiversity and Geodiversity'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
SP1 'Sites Allocated for Development'
SP16 'Land Identified for Industrial and Business Uses'
SP52 'Pollution Control'
SP54 'Contaminated and Unstable Land'
SP55 'Design Principles'
SP57 'Sustainable Construction'

Other Material Considerations

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

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

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 6 letters of representation have been received.

The issues raised are summarised below:

- MTL are abusing the planning process and are submitting high volumes of perceived smaller applications in order to create the impression of reduced impacts.
- MTL has demonstrated a complete disregard for local residents and their amenities.
- The additional noise from this extension is unacceptable and there are no safeguards in this application to local residents.
- MTL are in continued breach of other planning applications which have been issued conditionally, so on that basis alone, until their breaches have been fully investigated and dealt with then this application should be put on hold.
- MTL failed to follow the conditions set in application RB2024/1471 when it came to works commencement and notification to local residents.
- MTL have not even finished the construction of the original building approved last year and so it beggars' belief that this application has been made, unless of course all of the construction traffic that we are experiencing means that they have already started works on the extension without permission. Which is a different matter entirely.
- I object to this and any subsequent applications until money is invested in the right place, on suitable access to the site instead of down Grange Lane from Bawtry Road. We are all being treated like minions. Plus, when are the excavation and concrete lorries coming to an end from the last job? This will mean more of the same in addition to the ever increasing number of vehicles, it's just never ending.
- There is an ongoing intimidation problem with local residents being abused by certain drivers employed on the MTL plant.
- Residents think the council seem to continue to wave through these applications regardless of impacts and reinforces my opinion that they are being advised to put applications in this way in order to get them approved.
- The impact on residents is just completely ignored. Perhaps this time the planning department and committee can do the right thing and consider local residents instead of this continued bias towards MTL.
- Air pollution must be high at these times with traffic queuing to exit the lane.
- When is the council going to put a stop to this and listen to the residents who are paying council tax and parish tax? We are not being taken seriously on any applications from this firm.

No Right to Speak Requests have been received at the time of writing the report.

Consultations

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

RMBC – Environmental Health: No objections.

RMBC – Landscapes: No objections.

RMBC – Ecology: No objections subject to conditions.

RMBC Land Contamination: No objections subject to conditions.

RMBC Drainage: No objections subject to conditions.

South Yorkshire Police Designing Out Crime Officer: No objections.

South Yorkshire Archaeology Service: No objections.

South Yorkshire Mayoral Combined Authority: No objections.

South Yorkshire Mining Advisory Service: No objections.

Sheffield Area Geology Trust: No objections.

Appraisal

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

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

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

The main considerations in the determination of the application for the extension to the existing building are:

- Principle of development
- Design Considerations
- General Amenity and Impact on existing residents

- Highway matters
- Drainage and Flood Risk
- Ecology and Biodiversity Net Gain
- Land Contamination
- Coal Mining
- Archaeology

Principle

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

The allocated site E4 also includes the existing car park at MTL to the west and the land outside of the boundary of MTL to the east.

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

The proposed development comprises of an extension to an industrial / warehouse and would therefore meet the requirements set out in paragraph 5.18 in the Sites and Policies Document and all other relevant policies as set out in adopted policy SP1 'Sites Allocated for Development'.

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

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

Design, layout, scale

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

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

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

development proposals including alterations and extensions to existing buildings”.

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

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

The proposed extension would be sited to the rear of the existing building and the canopy addition to the side but set back from the frontage and would be of a steel construction in grey to match the existing building.

It is considered that the size, scale, form, design and siting of the extension and canopy are in keeping with the character and appearance of the existing building and would not have a negative impact on the visual amenity of the site or wider area.

Further to the above, policy SP57 ‘Sustainable Construction’ states that: *“To enable high quality, functional and sustainable design to be clearly embedded in future development, proposals will need to be designed to withstand and adapt to the predicted impacts of climate change. The evidence supporting the planning application should be proportionate to the scale of the development and:*

- a. identify how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;*
- b. meet the relevant BREEAM ‘very good’ standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable;*

In relation to the BREEAM Assessment no information has been provided at this stage as such the Council's standard planning condition will be imposed which will require the developer to set out how the building would achieve BREEAM Very Good standard, or to submit technical/financial viability information to demonstrate why it cannot do so.

General Amenity and Impact on existing residents

Paragraph 135(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The associated documents submitted with this application which relate to noise impact have been examined by the Council's Environmental Health section, which includes an addendum to the previous Noise Impact Assessment carried out by Redfan Solutions, dated 10/10/24 (Ref: T2425-564), and submitted with the application recently to construct the existing building to which this extension relates.

The addendum details that the extension is only to be used as space for additional storage. There will be no fabrication, plant, equipment, or other extraneous noise produced as a result of the extension and there will be no increase in the potential for noise to negatively affect the nearest noise sensitive receptors.

Although there are no plans for the installation of fixed plant to the new extension, there is the potential for disturbance to nearby noise sensitive receptors should this occur. It will therefore be necessary to impose a condition in relation to this to protect nearby amenity. There is also the potential for disturbance to nearby sensitive receptors as a result of noise, dust and accumulations of mud on the highway during the construction phase.

In light of the above, further conditions to mitigate the impact during the construction phase of the development will be implemented on any approval.

It is further considered that the physical extension due to its location on the building and distance from existing residential properties would have little, if any, impact on their amenity. In addition, given the extension will be for storage purposes the use would have little impact also.

Notwithstanding the above, the same conditions imposed on the existing building in respect deliveries will be included on any approval. This condition states:

"There shall be no deliveries to the building hereby approved outside of the hours of 0600-2200 Mondays to Fridays."

It is noted that one of the material considerations detailed in the objection letters received indicates that additional noise from this extension is unacceptable and there are no safeguards in this application to local residents.

As set out above, the Council will be imposing restrictions in respect of construction activities in line with industry standards and the same condition regarding delivery vehicles to and from the site as imposed on previous recent approvals will again be added to this application.

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

Highways

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

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

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

From the submitted documents, the application, if approved, will result in an additional 1237 sq.m of storage space to the existing unit.

The applicant has stated that the new extension does not result in any additional traffic movements or amendments to the existing parking provision at the site, or, result in any additional employees at the site.

The Council's parking standards relating to developments such as this, are a maximum standard, and as such the Council's Transportation Infrastructure Service do not wish to raise any issues of the parking provision.

Therefore, in light of the above there are no objection from a highway perspective.

Drainage and Flood Risk

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

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

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

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

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

The Council’s Drainage Engineers and Yorkshire Water have raised no objections to the proposals from a drainage or flood risk perspective.

Ecology and Biodiversity

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

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

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

The NPPF further advises in part of paragraph 187 that: "*Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things): d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species...*"

The Council's Ecologist has indicated that any external lighting on the building or around the site should take into consideration, a low-level light plan to avoid light shining on the strip of scrub to the north of the proposed development.

Any future lighting would need to a low-level lighting scheme prepared to ensure there is no light spill onto the boundary vegetation during both the construction phase of the development and when in-use. This will be conditioned.

Breeding Birds

With regard to breeding birds, no vegetation or structures are to be removed as part of the development, however in the unlikely event that they are, then this should be undertaken outside of the bird breeding season (March to August inclusive). This will be conditioned.

Biodiversity Enhancements

The site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in line with the National Planning Policy Framework Paragraph 187 (d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design.

In light of the above and subject to conditions there will be little impact on the ecological matters and the conditions will result in some biodiversity enhancements.

Land Contamination

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."*

Historical maps depict the application site as being occupied by agricultural land from circa 1854 to 1956, before becoming occupied by a footpath which was present until around 1963. Between 1963 and 1969 the site appeared to be vacant rough grassland. However, by 1972 a slag heap was recorded as being present on site until circa 1994, which is thought likely to be associated with the slag reduction works and steel works located to the north of the site. From 1999 onwards to the present date, the site is known to have been used as a storage area and for vehicle parking.

The application site is bounded to the north by densely vegetated land. To the east by land occupied by waste plastics and pallets surrounded by vegetation. To the south by a golf course and to the west by the existing MTL Advanced Manufacturing warehouse.

Historically the land has been subject to a past industrial land use including deep placement/infill of the land with slag materials and steel works waste and use of the land for storage of various machinery and metal works. The land has also been used for the parking of HGVs and cars.

It is for the above reasons intrusive site investigation works were undertaken in April 2023 and November 2023, to determine both the geotechnical and geo-environmental ground conditions at the site, to assess if any significant soil and groundwater contamination associated with the past historical uses of the site could impact on the proposed redevelopment of the site.

The combined site investigation works comprised the excavation of 6no. trial pits down to a maximum depth of 3.10m, the installation of 2 windowless sample boreholes down to a maximum depth of 3.80m and 13 dynamic probe tests to determine the general underlying ground conditions on site. A total of 11 soil samples were collected to assess for potential contamination and were submitted to an accredited laboratory for chemical testing.

Made ground was encountered in all exploratory boreholes down to a depth of 2.60m, comprising of metalliferous slag, sand, clay, gravel, ash, brick, clinker and concrete rubble. It is likely that any remnants of the historical slag heap on site could pose potential geotechnical issues due to expansion over time.

Chemical testing of the made ground at present indicates that gross contamination is not present at levels above the generic assessment criteria for an industrial end use. It is therefore considered unlikely that contamination will present a risk to human health, the environment or controlled waters.

Although deep made ground was encountered across the site, no groundwater was encountered during the initial rounds of site investigation. It is therefore considered unlikely that on site contamination is affecting controlled waters. This however will need to be confirmed when further site investigation works are undertaken.

Satisfactory ground gas monitoring was undertaken as part of past site investigation works to determine the ground gassing regime. Ground gas has been determined as low risk and it is considered that ground gas protection measures are not required.

Elevated soluble sulphate concentrations are likely to be present across the application site which may have the potential to attack below ground concrete. An appropriate design sulphate class is likely to be required for this site.

Much of the site is to be covered by hard standing. However, it is recommended that 300mm of clean suitable topsoil is placed across any proposed soft landscaping areas to provide a suitable growing medium for plant life.

Therefore, subject to conditions the application is deemed to comply with the requirements of the policies referred to above.

Coal Mining

The Coal Authority have confirmed that whilst the site falls within the coalfield, it is located outside the Development High Risk Area as defined by the Coal Authority. Accordingly, whilst coal mining activity may have taken place beneath this site, there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability for the redevelopment of this site.

Archaeology

In respect of Archaeology, South Yorkshire Archaeology Service have indicated that there are no archaeological concerns with this application.

Other responses to objectors

It is noted that a number of the issues raised by local residents relate to MTL themselves as a business and also to the number of applications they have submitted in recent times.

These issues are not material planning considerations and there is nothing within planning legislation which prevents or restricts the number of applications submitted by a single applicant on a single site or places a timeframe between applications. Accordingly, there is no reason for refusal

on this basis that would stand up at an appeal. Moreover, there is no reason for refusal that would be justifiable in planning law on the basis of who the applicant is / the applicant's background, as this too is not a material consideration.

With regard to the issues raised in respect of the enforcement matters raised by residents, these are ongoing and are being dealt with separately to this application and do not prevent the determination of this application, as the matters raised relate to current issues and not issues relating to this application. There is no planning reason to refuse an application based on existing enforcement matters which do not relate to what is currently being applied for.

The issue regarding an alternative access is noted but this has been previously discussed in other recent applications and given the current application does not increase vehicular movements given it is solely for storage purposes, limited weight is given to this in the planning judgement of this application.

Furthermore, the matter of air pollution is noted but as set out above the application is for the extension of a building for storage purposes only, and there will be no increase of vehicular movements as a result once the development is operational. No issues were raised by the Air Quality officer to the application for the original building and therefore this addition would have no further air quality impact.

The issue of intimidation is noted, and this should be referred to the police it is not for the planning system to get involved in neighbour disputes.

Conclusion

It is concluded that the principle of the development is acceptable for the reasons set out in the report. Furthermore, notwithstanding the objections, which mainly relate to matters which are not material planning considerations, it is judged that the issues raised do not outweigh the fact that subject to conditions, the extension complies with the relevant national and local planning policies.

Therefore, having regard to all of the above it is considered that the proposal is acceptable and complies with relevant national and local planning policies and for the reasons set out above, is subsequently recommended for approval.

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

023011 WBD 01 00 DR A 2001 Rev P01 – Site Location Plan

023011 WBD 01 GF DR A 2009 Rev P01 – Proposed Site Plan

023011 WBD 01 ZZ DR A 2008 Rev P01 – Proposed Elevations

023011 WBD 01 GF DR A 2006 Rev P01 – Proposed Floor Plan

023011 WBD 01 02 DR A 2007 Rev P01 – Proposed Roof Plan

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 match those used in the existing building.

Reason

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

Construction Restrictions

04

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

Reason

To safeguard the amenities of the occupiers of nearby properties.

05

All construction machinery and construction vehicles employed on the site during the construction phase shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 Code of Practice; 'Noise Control on Construction and Open Sites', and

Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

Reason

To safeguard the amenities of the occupiers of nearby properties.

06

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

Reason

To safeguard the amenities of the occupiers of nearby properties.

07

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

Reason

To safeguard the amenities of the occupiers of nearby properties.

General Amenity

08

No noise generating fixed plant including mechanical ventilation, air conditioning / refrigeration compressor units or extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014+A1:2019 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve a maximum cumulative plant Noise Rating Level of no more than 3dB(A) below the prevailing background levels, outside the boundary of the nearest noise sensitive property during the quietest measured period.

Reason

To safeguard the amenities of the occupiers of nearby properties.

Operating Restrictions

09

There shall be no deliveries to the building hereby approved outside of the hours of 0600-2200 Mondays to Fridays.

Reason

In the interests of residential amenity.

Ecology

10

Prior to any external lighting on the building or at the site being installed details of 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. The details shall include, but not limited to, the following:

- a) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- b) Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- c) A description of the luminosity of lights and their light colour;
- d) A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- e) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR));
- f) Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reason

To minimise light pollution and reduce the impact on wildlife.

11

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

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

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

Reason

In the interests of biodiversity enhancement.

BREEAM

12

Any building hereby approved that exceeds a floor area of 1,000 sq.m shall be designed to achieve BREEAM Very Good rating as a minimum. Prior to the commencement of the development of each building a BREEAM Assessors report shall be submitted to and approved in writing by the Local Planning Authority. The building shall subsequently be developed in accordance with the approved details.

Reason

To achieve a sustainable form of development in accordance with the NPPF.

Land Contamination

13

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

Reason

To ensure the safe occupation of the site.

14

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

Reason

To ensure the safe occupation of the site.

15

Suitable water supply pipes will need to be 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 to be evidenced.

Reason

To ensure the safe occupation of the site.

Highways

16

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

Informative(s)

01

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

02

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

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

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.