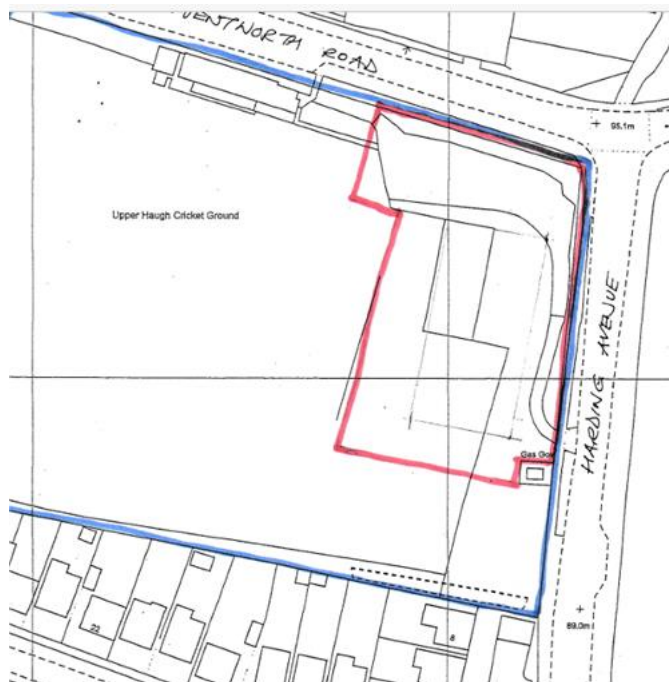


REPORT TO THE PLANNING BOARD TO BE HELD ON THE 4TH JUNE 2026

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	RB2025/1576 https://rotherham.planportal.co.uk/?id=RB2025/1576
Proposal and Location	Installation of 3 no. enclosed Padel Courts with acoustic mitigation and floodlighting along with relocation of existing cricket nets at Upper Haugh Cricket Club, Harding Avenue, Rawmarsh. S62 7SL.
Recommendation	Refusal

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



Site Description & Location

The application site is allocated Greenspace in the Local Plan and forms part of the Upper Haugh Cricket Club.

The site relates to land in the north eastern area of the site, close to the junction with Harding Avenue and Wentworth Road and is positioned away from the main residential areas to the south and west. The specific site area lies to the east of the cricket pitch and is currently occupied by cricket practice nets which are on a north-south orientation.

The wider cricket club has a total site area of 1.77 hectares. The site area related to this development, including the vehicular access and car parking

area comprises an area of land approximately 0.28 hectares in size. The site is broadly level, though the topographical surveys show a gentle slope from north to south and west to east.

Directly along the western and southern boundaries is a residential development known as The Wickets which was constructed in the early 2010s. The southern boundary of the site along Gower Way have neighbouring properties with rear gardens backing onto the cricket club and are at a lower level.

Background

The site is a long established cricket club and has substantial planning history from the 1990s and 2000s.

The most recent application was in 2008 for a new cricket pavilion along the northern elevation facing and fencing (RB2008/1793).

Proposal

The application seeks full planning permission for a new Padel Court development on the site of the existing cricket nets. New cricket nets (2 lane, enclosed) will be constructed immediately to the west of the courts to accommodate the replacement nets.

The development was initially proposed for 4no. courts, but during the determination of this application has now been reduced to 3no. courts which are located adjacent to each other. The courts will be sited on a broadly east-west axis and will be perpendicular to Harding Avenue. As part of the development some sound attenuation barriers are proposed to try and reduce sound levels at the southern end of the site.

This can be summarised as follows:

- The site area of the proposed padel courts is on an area of existing cricket nets.
- Creation of a high-quality cricket coaching and practice facility. The current cricket nets have been in situ for 20+ years and despite ongoing repair work are no longer fit for purpose. The new facility will be constructed to a high specification and will ensure a safe and pleasant environment for players of all abilities to develop their skills and interest in the game.
- A total of 3no. individual courts are proposed within the padel court structure.
- The courts are each 10m by 20m in size
- The enclosed court structure in total will be approximately 36m by 23m in size.
- The padel court structure will be enclosed with a combination of toughened glass and weld mesh rebound wall and fence panels supported of steel posts fixed to a concrete foundation with a synthetic turf play surface.

- The external court structure will be see through and will be a maximum height of 4m. The courts do not have a roof.
- New lighting columns are proposed to illuminate the development.
- It is proposed to operate the development between the hours of 0800-2100 throughout the week.

Planning Statement

The application has been submitted by a Planning Supporting Statement which can be summarised below:

- The location of these proposed 3 No. Padel Tennis Courts and ancillary enclosures adjacent the existing Cricket pitch, has been chosen to minimise any disturbance to the nearby existing dwellings, which are surrounding this existing Cricket Club site both from any noise and the use of floodlights.
- Cricket Club, by the nature of the sport, is only being used from between April to September and on Saturdays and Sundays with the occasional Wednesday afternoon.
- We believe that the inclusion of this additional Padel Tennis Sport - which could be open all year round, will benefit not only this Cricket Club but also the surrounding areas.
- The use of these 20m x 10m wide Padel Tennis Courts will not only be for the members of this existing Cricket Club but also will be open to non- members as well.
- Padel is an inclusive sport for players of any ability, offering both physical and social benefits. It is a sport that anyone can enjoy, regardless of ability. Its smaller court size, simple rules, and focus on strategy make it highly accessible.
- The proposed 3 No. Padel Courts will be located on land adjacent the existing Cricket pitch. The topography of this adjacent land is level and therefore these new courts will complement the existing Cricket Club. As the Padel Tennis site was previously an unused area of land but bordered by an existing shrubbed area. This existing shrubbed area will be enhanced with new planting of trees and shrubs to compliment this area.
- Lawn and Tennis Association state the noise levels associated with Padel Court play are not considered to have any relevant impact on the environment outside the parameters of 30m perimeter maximum.
- The proposed opening hours are to be between 8am-9pm (0800-2100 hours) throughout the week.
- The car park and driveway is existing and already hard surfaced, though the entrance is intended to be increased in width, along with the driveway in order to allow for improved vehicular access.

More general

- A further income stream would assist in providing additional income to improve the long term viability of the cricket club.

In addition a supporting letter from the Lawn Tennis Association has been submitted and this can be summarised below:

- Padel is a highly accessible sport with a high UK demand.
- These proposals in this location are strongly supported by the LTA.
- The facility can be accommodated in this location without detriment to the surrounding green space or interfere with the cricket club pitch.

RMBC's Sports Development Officer has also confirmed that there is an unmet need for Padel Tennis Courts both within the Rotherham borough as well as the wider Yorkshire region.

Noise

A noise assessment was submitted with the original application (January 2026). Following initial objections from the Councils Environmental Health Unit on noise to neighbouring residential properties, a further additional noise assessment/supporting details were submitted (May 2026).

The latest Noise Report (S&D Garritt Acoustic Design, received 19th May 2026) can be summarised below:

The applicant proposes three enclosed padel courts (reduced from four) at Upper Haugh Cricket Club. Rotherham Council requested a full noise impact assessment due to the proximity of nearby homes.

This revised report includes:

- Updated modelling for three courts.
- A 4 m high L-shaped acoustic barrier with sound-absorbing lining.
- No operation after 21:00.
- Updated background noise measurements.
- Additional comparator guidance (dog kennels, clay shooting, etc.).

Background Sound Levels

Measurements (Dec 2025) show:

- Dominant noise source: road traffic
- Typical background levels (LA90):
- **Daytime:** 48–52 dB
- **Evening:** 43–46 dB

These values form the baseline for comparison.

Predicted Noise at Nearest Homes (with barrier installed)

Time-Averaged Levels (LAeq,1hr)

- South / West receptors: 30–33 dB
- North (Wentworth Road): 39–40 dB

All are well below the commonly referenced 50 dB LAeq outdoor amenity threshold.

Peak Levels (LAm_{ax},F)

- South / West: 38–48 dB
- North: 52–57 dB

All are below the 60 dB target, and mostly below the desirable 55 dB threshold.

Comparison Against Guidance

The report uses a range of relevant UK and international guidance (BS 4142, IEMA, BS 8233, Sport England, WHO, draft dog-kennel ProPG, clay shooting guidance).

Padel Noise vs Background

Padel noise is:

- 10–19 dB BELOW background at southern/western homes
- 6–13 dB BELOW background at northern homes

This meets the ideal target (padel noise not exceeding background).

4.2 Change in Ambient Sound (IEMA)

Increase in total ambient noise:

- 0.0–0.4 dB
- IEMA defines <3 dB as “not significant”.

4.3 Absolute Levels

All predicted levels are:

- 10–20 dB below the 50 dB LAeq garden guideline
- Below peak limits (55–60 dB)

Character Corrections

Even if a +6 dB penalty (for impulsiveness) is applied:

- Padel noise still remains at or below background.

Car Park Noise

Assumes worst-case:

- All players arrive/leave separately
- Overlapping arrivals/departures

Predicted car-park noise:

- 17–36 dB LAeq depending on receptor
- Always lower than padel noise
- Included in cumulative assessments

Mitigation Measures

Required measures

- 4 m high acoustic barrier to the south and west of Court 3
- Sound-absorbing lining on the court-facing side
- Operation limited to 07:00–21:00
- Three courts only

Optional (not required for compliance)

- Additional northern barrier
- Would reduce noise by 7–8 dB for some sources
- Not necessary to meet guidance
- Could be added if the council requests further mitigation

Overall Conclusion of the Report

The revised 3-court proposal:

- Meets all identified noise targets
- Produces low noise impact
- Is not expected to cause adverse effects or loss of amenity
- Shows improved performance compared with the original 4-court scheme (2–6 dB reductions at most receptors)
- Noise impact is acceptable, subject to installation of the recommended southern acoustic barrier.

Development Plan Allocation and Policy

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

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

CS3 'Location of New Development'
CS19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'

SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP37 'New and Improvements to Existing Green Space'
SP38 'Protecting Green Space'
SP39 'Design and Location of Green Space, Sport and Recreation'
SP52 'Pollution Control'
SP55 'Design Principles'

In addition the advice within the NPPF is also relevant, though earlier specific paragraphs around noise issues have been deleted from the current December 2024 issue.

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. It was last updated on 17th September 2018.

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

The revised NPPF came into effect in December 2024. It 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 notice, a site notice and individual letters to neighbouring properties in January 2026. Following the amendments, alterations and clarifications made to the application including the reduction of the development to 3no. courts all original neighbours along objectors/supporters/observers were again formally consulted on 11th May 2026 and given a further 14 days notification.

A total of 115 representations (as of 27 May 2026) have been received and can be summarised below:

Letters in opposition

- These courts will generate high levels of noise which will have a significant impact on local residents immediately adjacent to the site.
- The noise with frequent pulses of high impact energy when balls collide with reinforced glass will be similar to gunshots.
- This will be exacerbated by shouting and emotional responses from players.
- This noise profile will be significantly different to that of cricket. The noise from cricket is seasonal, intermittent and familiar.
- Additional noise generated by players, general activity and associated vehicle movements would introduce a level of disturbance entirely different in character from the existing seasonal cricket use.
- Intensified noise during competitive play.
- Padel Courts are better suited to industrial sites or within large sports centres.
- The Padel Courts approved at Hellaby had a condition that external doors to the facility be kept closed.
- Close proximity (approx. 40m) to dwellings.
- European locations have separation distances of 100m. This is 35-45m away from residential properties.
- Secondary noise generated from slamming of car doors, turnover of players which will be high.
- Car parking in the area is very limited.
- This proposal will result in significant volumes of extra traffic.

- Is the entrance sufficient to cope with the additional traffic demands.
- The floodlighting will be significantly disruptive for local residents.
- Hours of use are excessive and this will be particularly severe in the summer months.
- Impacts on sleep (including night workers)
- Detrimental impact on wildlife, particularly birdlife.
- Other Councils have refused these developments and this should be refused in this case.
- Insufficient notification to local residents took place.
- The people supporting the proposal do not live in the area.

Specific details of a recent planning appeal at Havant Council have been submitted. This was for a Padel Court proposal of 2no. courts which was refused and then subsequently dismissed at appeal.

Following the re-notification a number of objectors have again re-iterated that the reduction from 4no. to 3no. padel courts will have a limited reduction in overall noise levels.

- The original objections still stand.
- The reduction from four courts to three and the proposed mitigation measures may reduce the predicted impact on paper, but they do not overcome the fundamental issue that this is an intensive and impulsive recreational use proposed immediately adjacent to established residential properties.
- Padel noise described as: impulsive, repetitive, continuous and arising from:
 - ball impacts on glass
 - rackets
 - player activity
- Long duration of use (13 hours/day, 7 days/week).
- Cumulative effect of multiple courts.
- Evening and weekend disturbance.
- Inability to escape noise (gardens/windows open)
- Criticism that reduction from 4 to 3 courts does not materially reduce noise impact.
- Acoustic mitigation proposed is insufficient.
- The revised report also confirms that there is currently no adopted UK standard or assessment methodology specifically relating to padel noise. The conclusions therefore rely heavily on selected comparator guidance, modelling assumptions and professional judgement.

Letters in support

- This will be a great asset for the club and the area.
- This will be a useful facility to the young people in the area.
- Expectation that the courts would be well used by the community.
- Padel considered:
 - Inclusive and accessible

- Contribution toward creating a local sporting hub alongside existing cricket facilities.
- Proposal complements existing cricket use (junior, senior, women's teams).
- Viewed as helping establish a year-round multi-sport facility.
- Rawmarsh is deficient in sports facilities.
- Looking forward to the use of the facilities.
- The existing cricket club is well managed.
- Reinforces the club's family-friendly and social environment

Following the re-notification a number of supporters have again re-iterated their earlier comments:

- The noise is not as significant as claimed.
- Cricket noise can be equally or more noticeable.
- Confidence is expressed that design mitigation and conditions/controls could assist in reducing the impact on neighbours.
- As of early 2026, there are over 1,500 Padel Courts across approximately 559 venues in the UK with fifteen either available to play or in construction in South Yorkshire. In addition, Padel Courts are now increasingly being integrated into residential areas, including housing developments, as a social amenity, allowing residents to have courts on their doorstep.

The ratio of object/support is broadly 50:50 though the objections are generally more detailed than those in support.

The majority of the objectors live in the immediate proximity of the site and in particular along Gower Way and Trueman Drive. The majority of the supporters live further afield and not in the immediate vicinity. However, there are also supporters who live within the Wickets residential estate.

A total of 5no. supporting letters have been submitted at the time of the original application submission. These are from Local Ward Councillors and indicated that they were in support of the proposal. Other Local Ward Councillors have expressed concern from the proposal.

A total of 8no. Right to Speak requests have been received which include three from Local Ward Members, four from residents and one from the applicant.

Consultations

RMBC Transportation Infrastructure Service – no objections, subject to condition

Environmental Health – objections and refusal recommended on noise grounds

Drainage Officer – no objections

Ecologist – no objections, subject to conditions

Sports Development Manager – no objections

Tree Officer – no objections, subject to conditions

Appraisal

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

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

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

The main considerations in the determination of the application are as follows:

- The principle of the development
- Noise and impact on the nearby residential areas
- Design, Appearance and Visual Impact on the surroundings
- Transportation issues
- Landscape matters
- Trees and Ecology

Principle of development

The application site is allocated for Greenspace in the Local Plan.

Policy CS 20 'Biodiversity and Geodiversity' states The Council will conserve and enhance Rotherham's natural environment.

Policy CS29 'Community and Social Facilities' states that "The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities"

In land use terms the principle of having this form of recreational development within a Greenspace allocation and co-located with an existing and long established sports facility is acceptable in land use and policy terms. It is accepted that this proposal will potentially provide another income stream for the cricket club, though this is likely to attract additional players who are not currently members of or associated with the existing cricket club.

The design and impact upon the surroundings, in particular noise impact on residential properties, will be considered in more detail below.

Noise and impact on the surroundings

SP52 'Pollution Control' indicates 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 the detrimental impact on the amenity of the local area.

The NPPF in earlier versions of the policy had specific references to noise details, however in the current version (December 2024) these have been omitted from the document.

The NPPG in relation to noise states that: *"Noise needs to be considered when new developments may create additional noise" It adds that: "The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. These factors include:*
- *the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep."*

All of the objections received have raised concerns with the impact of noise on immediately surrounding residential properties and it is considered that noise issues is the most significant issue to be considered in this application.

Lawn Tennis Association Guidance

The Lawn Tennis Association (LTA) has issues guidance on installation of Padel Courts and with reference to distances between nearby residential properties. A number of the objections have quoted European specified distances which are in excess of 100m. However, the LTA does not set a minimum distance between padel courts and residential properties. This is due to padel noise having a high level of variation for a 'One-Size-Fits-All rule'. A fixed distance would potentially be over-restrictive in some cases and insufficient in others.

The LTA recognises that padel noise is dependent on local conditions, and this includes court design and enclosure type, use of acoustic fencing, ground levels and topography, existing background noise (e.g., traffic) as well as distance and orientation to homes.

National planning policy requires councils to assess noise impact in context, not by fixed separation distances. The LTA acknowledges that acoustic barriers, absorptive linings, and enclosed court designs can reduce noise dramatically.

The LTA indicates that if a neighbouring property is within 30 metres, sound attenuation may be required. This is not a minimum distance. It is simply a prompt for councils to request an acoustic report.

Assessment of submitted Noise Report

Environmental Health have considered the supporting Noise Impact Assessment (ref S. & D. Garritt Ltd, dated 12th January 2026 updated 18th May 2026 and the Lighting Impact Assessment undertaken by Lightable, dated 5th January 2026). They note that the site is an existing recreational ground currently used by the Cricket Club. There are residential receptors located to the north, south and west of the site with the busy B6090 located to the north. The applicant is proposing to use the padel courts between the hours of 08:00-21:00 Mondays to Sundays.

The updated and revised Acoustic Survey Report (May 2026) concludes the applicant proposes three enclosed padel courts at Upper Haugh Cricket Club, operating no later than 21:00. A full acoustic assessment has been carried out using industry-standard methods. The revised scheme includes stronger noise controls than the original four-court proposal.

In terms of the predicted noise from the padel courts, the assessment assumes worst-case conditions: all courts in continuous use with no breaks. With the proposed mitigation in place padel noise expected to remain below background levels at all nearby homes.

Assessment by Environmental Health Officers

The Environmental Health Unit agree that there is no specific guidance for use of padel courts when considering noise impact on nearby sensitive receptors. They have indicated “...*There are various guidance documents that we can draw upon for advice, however due to the different criteria within these documents it becomes difficult to agree an acceptable approach as the suitability and applicability of each guidance document can be argued either way. Since the previous noise impact assessment, the applicant proposes reducing the number of courts from 4 to 3.*

However, according to the noise impact assessment this appears to make very little difference in terms of noise levels at receptor locations. This is evident at Wentworth Road where average and maximum noise levels have reduced only slightly as a result of this.

It is mentioned in the revised noise impact assessment that the proposed closing time has been reduced to 21:00 from a previously proposed 22:00. However, the original application was for an opening time up to 21:00. A closing time of 22:00 has never been included in the application.

It is noted that background sound levels for the evening period in the table in section 4.1 (typical existing outdoor sound levels) have increased from 42dB in the previous noise impact assessment to 43dB in the revised noise impact assessment in relation to all dwellings apart from Wentworth Road, and from

45dB in the previous noise impact assessment to 46dB in the revised noise impact assessment for dwellings located on Wentworth Road. We are unsure as to why the background sound levels measured previously have increased for the evening period.

The noise barrier has now been modified to an increased height of 4m, positioned in a 'L' shape so that it extends towards the north in order to provide additional protection to receptors located to the south and south-west. It should be noted that the extended barrier does not protect the dwellings located in the north (Wentworth Road) from noise. The noise barrier is proposed to have an absorbent layer to the sides facing the padel courts to help absorb the noise and reduce reflections.

The above has been predicted to have the impact of reducing specific noise levels (average noise level (LAeq)) from the padel courts to below background sound level at all receptor locations except for those located to the north (Wentworth Road). It is also predicted to have the effect of reducing the maximum noise levels (LAmax,f) at all receptor locations except Wentworth Road, where the slight noise reduction in this location is due to the removal of one of the padel courts (and not the installation of the barrier). The introduction of the upgraded barrier together with the slight reduction in noise from the reduced number of courts has resulted in all specific noise levels being below background sound level during the day, evening and weekend at all locations. However, the maximum noise levels still exceed background sound levels in the evening periods at all locations, in addition the maximum noise levels at Wentworth Road also exceed background sound level in the daytime and weekends. The table below shows how the maximum sound levels from the use of the padel courts exceeds background sound levels in the evening period at all receptor locations:

Receptor	Background Sound Level (LA90) (dBA)	Maximum Sound Level (LAmax,f)(dBA)	Difference (dBA)
South East, front onto Harding avenue	42	46.9	+4.9
South, Gower way	42	44.8	+2.8
Gardens to the South, Gower Way	42	45.9	+3.9
South West with line of sight, Gower Way	42	48.4	+6.4
West, Trueman Drive	42	47.6	+5.6
North, Wentworth Road	45	54.8	+9.8
Gardens to the north, Wentworth Road	45	56.6	+11.6

The noise exceedances above background sound level shown in the above table will be audible to receptors living in the area particularly at dwellings on Wentworth Road. It is the introduction of a new noise source/type to the area that will make it even more noticeable to receptors and is very likely to result in disturbance and complaints. It is our opinion that the proposal will interfere with local residents quiet enjoyment of their gardens as this is to take place seven days a week, offering them little respite from noise, given that the current use of the site as a cricket club is seasonal only and activity on that

land is currently much less frequent and as is not occurring over such a long duration”.

With reference to the submitted acoustic mitigation detail the EHO goes onto indicate “...*The noise consultant has indicated that a 4m high acoustic barrier could be erected to the north of the courts facing Wentworth Road. However, since the dwellings to north are at a higher elevation, due to topography, than the proposed courts by approximately 7m, a northern barrier would not be as effective at this location. There is a line of sight from the dwellings to the proposed padel courts that cannot be easily overcome. This will result noise travelling over the barrier and therefore it is unlikely that the installation of such a barrier would see reductions in maximum noise levels so that the noise is not clearly audible at this receptor location.*”

The EHO goes onto further indicate “...*It is our opinion that the location for the proposed padel courts is inappropriate given the close proximity to nearby residential receptors and the high likelihood of noise disturbance. ‘ProPG: Planning & Noise Supplementary Document 2 - Good Acoustic Design’ (May 2017), is relevant in this case. This details that first and foremost in the hierarchy of noise management measures, spatial separation of noise source(s) and receptor(s) should be maximised and should be given the highest consideration when identifying an appropriate site. Although this guidance is applicable to the construction of new dwellings, the fundamentals of this hierarchy remain the same in that noisy developments should be placed away from residential dwellings. Due to the high maximum noise levels associated with Padel, the location needs to be carefully considered and where the padel courts cannot be located within a building where noise breakout can be effectively controlled, then it is best that they are located in areas well away from residential dwellings, such as rural areas with no sensitive receptors located nearby, or within industrial zones which already have high background sound levels.*

The EHO concludes that “*This site is in our opinion not suitable for the proposed use*”.

Overall therefore and having regard to Local Plan Policy SP52 ‘Pollution Control’, it is not considered that the proposal can confirm with the aims of this policy and the mitigation proposed is insufficient to restrict noise to the nearest sensitive receptors. The application is therefore recommended for refusal on noise grounds.

Lighting

Objectors have also raised concerns with the lighting impact on nearby residential properties.

The Lighting Impact Assessment takes into consideration the Institution of Lighting Professionals Guidance – Reduction of Obtrusive Light Guidance Note 01/21 for a suburban location (E3 Zone). The applicant proposes to only use the floodlights when the Padel Courts are in use between the hours of 08:00-21:00hrs Mondays to Sundays.

The Lighting Impact Assessment concludes that if the lights are installed as detailed within the lighting assessment (Appendix 2 and 3) it will comply with this guidance in terms of maximum Lux levels at sensitive receptor locations. Environmental Health concur with the findings of the report, subject to conditions.

There is also the potential for disturbance to nearby sensitive receptors as a result of noise and dust and artificial light during the construction phase.

However, overall it is not considered that there are any grounds for refusal of the Lighting Scheme in isolation.

Design, Appearance and Visual Impact on the surroundings

Policy CS28 'Sustainable Design' states, in part, that: *"Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.....Design should take all opportunities to improve the character and quality of an area and the way it functions."* This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

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

The site is visually prominent from the surrounding areas due to limited boundary screening. The existing land levels where the cricket nets are located are relatively flat and do not involve any significant engineering operations in order to create a level surface. No import or export of soil is proposed. The land levels are slightly elevated compared to the surrounding residential areas, particularly to the south. The location of the courts is sited away from the cricket pitch and will not interfere with the playing surface of the cricket pitch. The re-located practice nets are also clear of the existing cricket pitch.

Existing landscaping features at the northern end of the site helps screen the existing site area. Additional landscaping around the perimeter of the site will also assist with visually screening the site. The structure itself will be significantly more see through, being comprised on reinforced glass, than would be anticipated from a solid building structure. This will also assist in mitigating the potential visual impact on openness of the surroundings when viewed from a distance.

Overall the design of the padel courts is understood to be a standardised design for this form of recreational use. The facility would use modern materials and may have a moderate utilitarian appearance but it is not considered that the design can be easily amended to reflect bespoke sites. However, the clear glazing allows for light to pass through it which will reduce the visual prominence when viewed from a long distance. The siting of the facility in close proximity to the existing clubhouse building, and positioning at lower ground levels is further considered to reduce the visual prominence when viewed from the more sensitive southern part of the site.

The design is considered to have a neutral appearance with modern materials and overall considered to satisfy policy SP55 'Design Principles'.

Highway issues

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.

A number of the objections have raised concerns with parking issues and the potential increase in the number of visitors to the site and associated congestion.

The applicant has indicated that there will be some re-surfacing of the access road will take place, along with the widening of the internal access road proposed. It is noted that the site already has a car parking area which can accommodate in excess of 20 no. cars.

The Transportation Unit note from the submitted, details that if approved, 3no new padel courts will be constructed and an existing cricket practise net relocated. They also note that the existing vehicle access taken from Harding Avenue, will continue to be used to gain access to the site, but will be widened to accommodate two-way traffic. The internal access road will also be widened in conjunction with the proposed amendments to the car park.

The existing car park whilst unmarked, appears to accommodate approximately 20 to 21no vehicles. The proposed car park will accommodate 27no vehicles, though it should be noted that the car park will facilitate both cricket and padel participants, potentially at the same time. The Highway Officer is of the view that it appears that additional car parking space within the site, may be available to accommodate more vehicles than shown on the submitted plan. It should also be noted that the Councils parking standards are a maximum standard and as such, the Transportation Unit have not raised any objection to the level of parking provision proposed.

The Highway Officer has also consulted internally with colleagues within the Councils Transportation Unit, and they have confirmed that they are not aware of any existing parking issues associated with the operation of the cricket club.

Overall therefore, the Transportation Unit conclude that there are no objections to the granting of planning permission in a highway context subject to standard conditions. These include surfacing of the car parking area and formally marking out car parking spaces. Subject to this the proposal is considered to meet the requirements of policy SP26 'Sustainable Transport for Development'.

Ecology and Biodiversity

SP33 'Conserving and Enhancing the Natural Environment' indicates that:

Development should conserve and enhance existing and create new features of biodiversity and geodiversity value. Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures....or provide an adequate level of compensation. The aim of mitigation and compensation should be to respond to impact or loss with something of greater value; the minimum requirement will be to maintain 'no net loss'.

In this case the proposal requires Biodiversity Net Gain assessment as the development results in more than 25sqm loss of existing landscaping.

A total of 0 habitat units will be created within the padel court perimeter with a net loss of -0.41 units which provides a -33.94% net loss. However, the site is located within a greenspace area and the revised metric indicates that planting of thirty-six small trees of moderate condition throughout the retained grassland areas would address this. Replacement of grassland parcel D on the west of the drive, to moderate condition scrub habitat, or offsite mitigation would meet the requirements within SP33 'Conserving and Enhancing the Natural Environment'.

There are no objections on BNG grounds, subject to future conditions.

Landscapes and Trees

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

There are a number of shrubs and small trees adjacent to the site area, and two of which are proposed to be removed as part of the development. The

Tree Officer notes that two trees will require removal to facilitate this development. However, when taking into consideration the close proximity of the trees to the proposed development, and that the trees fall into retention category 'C' with minimal loss of amenity when removed, then their removal is seen as acceptable with a condition that a tree planting mitigation plan is implemented.

Overall and subject to a final condition for a revised tree planting plan, this element of the proposal is considered to meet the criteria highlighted CS19 'Green Infrastructure'.

Conclusion

Overall the principle of an extended recreational facility in this Greenspace location is considered appropriate in land use terms and its co-location to support the viability of a long established cricket club is considered acceptable.

However, the noise issues expected to be generated by the facility are considered to be excessively high, particularly during evening periods. Environmental Health Officers do not consider that the mitigation proposed would be sufficient to reduce anticipated noise to an acceptable level.

The Transportation Unit have accepted the plans and consider that subject to the internal access road widening and additional parking, this will be sufficient to accommodate any increase in parking demand.

No objections have been received on the loss of some landscaping, or Biodiversity Net Gain issues.

It is therefore concluded for the reasons set out above the application is recommended for refusal on noise grounds.

Reasons for refusal

01

The Council considers that the 3no. padel courts is likely to have an unreasonably high noise impact on the amenity of nearby residential properties. The mitigation measures identified within the supporting noise report (ref S. & D. Garritt Ltd, dated 12th January 2026, updated 18th May 2026) are not considered sufficient to prevent undue disturbance to nearby sensitive receptors, particularly during evening periods when ambient noise levels are lower. Accordingly, the Council does not consider that the applicant has submitted sufficient evidence to demonstrate that this padel court development in this location can operate in accordance with the requirements of Local Plan Policy SP52 'Pollution Control'.

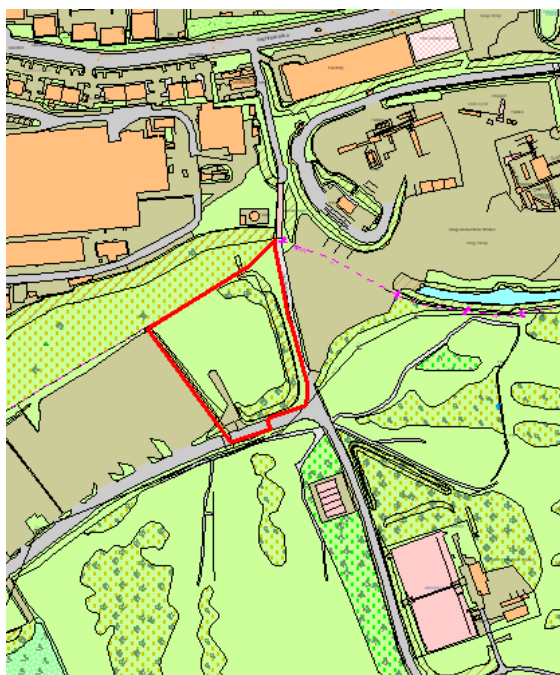
POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any pre application discussions with the Local Planning Authority. Discussions during the determination of the application

have requested additional information and clarifications which were submitted. However the mitigation measures proposed are considered insufficient to prevent undue disturbance. This was not considered to be in accordance with the principles of the Local Plan and resulted in this refusal.

Application Number	RB2026/0146 https://rotherham.planportal.co.uk/?id=RB2026/0146
Proposal and Location	Installation of a Synchronous Condenser Facility with associated ancillary infrastructure, access and landscaping, land at Grange Lane, Templeborough
Recommendation	Grant Conditionally

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



Site Description & Location

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

The site measures 1.43 hectares and comprises of intermittent vegetation, hardstanding and has previously been used for storage of commercial/ industrial materials including rubble and wooden pallets. The land is relatively flat, but the site is situated on a slightly raised position from the adjacent industrial works. The site perimeter is screened with vegetation, particularly along the southern and eastern boundaries.

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

To the south of the site there is metal palisade fencing and an access point off Grange Lane towards MTL Group. Beyond this boundary is Phoenix Golf Course which stretches between Baulk Lane, Grange Lane and Pavilion Lane. To the east of the site, there is a quarry operated by asphalt

contractor's Steelphalt and the adjacent golf course. Beyond this eastern boundary there are further industrial units and businesses.

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

Background

RB2017/0741 - Use of land for installation of electricity generation facility and associated works (use class Sui Generis) - GRANTED CONDITIONALLY

RB2018/0991 - Use of land for installation of electricity generation facility and associated works (use class Sui Generis) - GRANTED CONDITIONALLY

RB2024/0248 - Retrospective change of use to Haulage Yard (Use Class B8) including siting of storage containers, perimeter fencing and CCTV - GRANTED CONDITIONALLY

Proposal

The proposal seeks full planning permission for the installation of a Synchronous Condenser Facility at Grange Lane, Templeborough, Rotherham. The development occupies approximately 1.43 hectares of previously developed land within an established industrial area. Its purpose is to deliver essential grid-stability services—supplying and absorbing reactive power and providing synchronous inertia—which support the UK's transition toward a low-carbon and resilient energy system.

The facility will comprise a 14.8m-high synchronous condenser building, associated electrical infrastructure, cooling and ventilation equipment, transformers, a relay/control room, internal switchgear, and a welfare building. A new vehicular access from Grange Lane will serve the site, with internal circulation roads, hardstanding areas, parking provision, and a 2.4m palisade security fence. Although some tree groups will be removed to allow construction and site regrading, a comprehensive landscaping strategy - including native tree planting and an attenuation basin - will provide visual screening and ecological enhancement.

Construction Traffic Management Plan

While exact vehicle movement figures would be dependent upon arrangements made by the end contractor, it is anticipated this would result in an average of two vehicles (four two-way movements) per day to site. There will also be a small number of construction movements associated with smaller vehicles such as the collection of skips for waste management, the transport of construction workers and sub-contractors, although the numbers involved are forecast to be relatively low on a day-to-day basis and minibuses could be provided for general operatives.

The level of traffic during the temporary construction phase is not considered to be material and it is considered that this will not have a detrimental impact on the safety or operation of the local or strategic highway network.

Heritage Statement

This assessment has identified that the Site lies within a landscape that contains evidence of activity spanning the prehistoric through to the modern period. However, it is considered that the potential for archaeological remains to be present within the Site is negligible.

The Study Area does not contain any Listed buildings and is not located within the boundaries of a Conservation Area.

It is not anticipated that the Proposed Development would have an impact on the Grade II Listed Boston Castle (NHLE 1132736) or the Grade II Listed Boston Park (NHLE 1001500) that would cause loss/harm to their significance. Their significance derives primarily from their architectural and historic interest which will not be impacted by the development

Flood Risk Assessment

EA Flood Map for Planning, the site is located within Flood Zone 1, indicating a low probability of fluvial flooding. However, the surface water flood mapping identifies localised low-lying areas outside the site boundary that are at medium to high risk of surface water flooding. These do not affect the site.

The proposed drainage strategy incorporates pipes, manholes, filter drains, an attenuation basin, and a rising main. This system is designed to manage surface water runoff effectively, ensuring that these localised areas are adequately drained and that the associated flood risk is appropriately mitigated.

Due to the measures proposed at the site with regard to surface water flooding, this assessment concludes that the site is at a low risk of flooding from all sources required by the NPPF.

The drainage strategy complies with guidance; surface water generated by the proposed development can be attenuated on site in the relevant extreme event. The proposals for the site do not increase on or off-site flood risk and are therefore considered acceptable.

Noise Impact Assessment

Stantec UK Limited (Stantec) has been commissioned on behalf of Conrad Energy Limited to assist Rotherham Metropolitan Borough Council as the local planning authority with the consideration of a full planning application for the installation of a Synchronous Condenser Facility and associated infrastructure on Land at Grange Lane, Templeborough, Rotherham, South Yorkshire, England, S60 5AE.

An environmental sound survey has been undertaken by Stantec, to establish the existing environmental sound levels at locations representative of the nearest noise sensitive receptors.

An acoustic model has been created to determine the rating level at the identified receptors.

An assessment of the noise impacts from the proposed development on the nearest noise sensitive receptors has been undertaken in accordance with BS 4142:2014+A1:2019. The results of the assessment indicate that a potential 'Low Impact' is likely to occur during both daytime and night-time period at all noise sensitive receptors.

Based on the contextual factors outlined within this report along with the outcome of the numerical noise assessment, it is considered that sound from the proposed development is unlikely to have an adverse impact. As a result, the outcome of the assessment would be categorised as no greater than LOAEL (Lowest Observed Adverse Effect Level) in relation to the amenity of the identified noise-sensitive receptors and should be considered compliant with relevant local and national planning policies.

Since the proposed development is considered to conform to National Planning Policy requirements, it is recommended that noise should not be considered an impediment to the approval of this planning application.

Preliminary Ecological Appraisal Report

The application site comprises 1.38ha of mixed semi-natural habitats and developed/disturbed land. There is an area of disturbed bare ground which has become colonised with ruderal/ephemeral vegetation (and has been more extensively vegetated in recent years), surrounded by banks of mixed scrub to the north and west, a block of broadleaved woodland to the east and small pockets of modified grassland and developed land. Surrounding the site are industrial units and the Phoenix Golf Club. The site has the potential to support various protected species; invertebrates, breeding birds, foraging/commuting bats, reptiles and notable species such as hedgehogs.

The proposed scheme will result in the loss of the ruderal/ephemeral vegetation, the broadleaved woodland habitat and the strip of modified grassland. These habitats will be replaced primarily by developed land. To the east and west of the development footprint will be newly-planted native woodland. A new SUDS basin will be created in the northwest section of the site and neutral grassland will be created throughout. Mixed scrub along the west boundary and in pockets to the north will also be retained. The post-intervention BNG score for the proposed scheme layout will be 3.33 Habitat Units (a net change of – 7.26 Units). The loss of natural and semi-natural habitats is likely to have adverse impacts on foraging/commuting bats, nesting birds and notable species including invertebrates.

It is recommended that off-site units be secured to meet the mandatory 10% BNG target (8.32 Habitat Units are required). All retained on-site habitat should be covered by a longterm Habitat Management and Monitoring Plan (HMMP) to secure the anticipated on-site BNG units post-intervention. Site clearance should avoid both the hibernation period and the nesting bird season, with above-ground vegetation cut before nesting commences and ground vegetation cleared during the 'active' season. A sensitive lighting scheme, along with bat and bird box schemes, should be implemented. An INNS management plan will also be required. These should be secured by way of suitably worded planning conditions.

In conclusion, the site is found to be of moderate ecological value, potentially supporting legally protected and notable species. Development will result in the loss of natural and semi-natural habitats of value to these species. The scheme will also result in a negative BNG score, requiring the purchase of off-site units. However, if all recommendations given herein are fully implemented, the proposed scheme is not expected to have any significant residual impacts on biodiversity.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

- CS19 'Green Infrastructure'
- CS20 'Biodiversity and Geodiversity'
- CS21 'Landscape'
- CS25 'Dealing with Flood Risk'
- CS27 'Community Health and Safety'
- CS28 'Sustainable Design'
- CS30 'Low Carbon and Renewable Energy Generation'
- SP1 'Sites Allocated for Development'

- SP16 'Land Identified for Industrial and Business Uses'
- SP17 'Other Uses within Business and Industrial and Business Areas'
- SP32 'Green Infrastructure and Landscape'
- SP33 'Conserving and Enhancing the Natural Environment'
- SP47 'Understanding and Managing Flood Risk and Drainage'
- SP52 'Pollution Control'
- SP54 'Contaminated and Unstable Land'
- SP55 'Design Principles'
- SP56 'Car Parking Layout'

Other Material Considerations

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

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

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

Rotherham Adopted Supplementary Planning Documents:

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

Rotherham Emerging Supplementary Planning Documents:

- Biodiversity Net Gain
- Development Viability Supplementary Planning Document

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 5 Individual household objections have been received as well as a petition signed by 9 people.

The objector states that:

- Concerns that HGV movements are underestimated, with no clear daily limits and potential for significantly higher volumes.
- Existing high levels of HGV traffic in the area, with claims these already exceed previous predictions.
- Highway safety concerns, particularly at the Grange Lane / Bawtry Road junction, including poor visibility, vehicle conflicts and near misses.
- View that the local road network is unsuitable for the scale and type of HGV traffic proposed.

- Concerns regarding risks to pedestrians and other road users arising from HGV movements.
- Lack of clarity and detail within the Construction Management Plan, including uncertainty over traffic management, routing and control measures.
- Ongoing ambiguity and inconsistency regarding site operating hours across submitted documents.
- Concerns about noise, disturbance and general disruption to nearby residents during construction and operation.
- Potential for increased pollution associated with construction activity and traffic.
- Concerns regarding the cumulative impact of the proposal alongside existing neighbouring industrial uses.
- Claims that existing planning conditions and HGV restrictions in the area are frequently breached, with limited enforcement.
- Concern that approval without robust and enforceable controls would exacerbate existing issues.
- Requests for stricter controls, monitoring and enforcement mechanisms, including clearer and more precise management measures.
- Concerns that the application relies on inaccurate or misleading supporting information, particularly in relation to traffic impacts.
- Reports of existing infrastructure strain and damage attributed to HGV movements.
- Claims of adverse impacts on residential amenity, including ongoing nuisance and reduced quality of life.
- Concerns regarding potential impact on property values.
- Requests for a review of existing HGV activity and impacts prior to determination of the application.
- Concern about the submission of additional or updated documents during the process, limiting opportunity for full public consideration.

Consultations

RMBC Highways – No objections subject to relevant conditions

South Yorkshire Mining Advisory Service – Objections subject to standing advice

South Yorkshire Fire & Rescue Service – No objections

South Yorkshire Police Architectural Liaison Officer – No Objections

Trees & Woodlands Team – No objections subject to condition

Landscape Design – No objections subject to conditions

Environmental Health Services – No objections subject to relevant conditions

Land Contamination – No objections subject to conditions

Climate Change – No Objections

South Yorkshire Archaeological Service – No Objections

Geology (SAGT) – No objections

Yorkshire Water Services Ltd – No objections subject to conditions

Ecologist – Recommends further survey work is undertaken to ensure protected species are protected during and post construction.

Drainage Maintenance – No Objections

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of Development Loss of Employment Land
- Design matters (including scale, layout etc.)
- Highway matters
- Air Quality
- General Amenity
- Land Contamination
- Ecology and BNG

Principle of Development Loss of Employment Land

The application site is allocated within the Local Plan as an allocated Employment site (E4) and as such SP16 'Land Identified for Industrial and Business Use' will be applicable.

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

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

Other uses will be considered on their merits in line with Policy SP17 'Other Uses Within Business, and Industrial and Business Areas'."

The introduction of a Synchronous Condenser Facility would be at odds with the requirements of policy SP16. Accordingly, the proposal needs to be assessed against the requirements of SP17.

Policy SP17 states: "Within areas allocated for business, or industrial and business use on the Policies Map, proposals for alternative uses other than those identified as not acceptable in Policy SP15 'Land Identified for Business Use' will be considered positively having regard to other relevant planning policies and whether the following criteria are satisfied:

1. It can be demonstrated that the continued use of the site for business or industrial purposes would cause unacceptable planning problems which cannot be adequately mitigated, and alternative proposals are compatible with adjacent existing and proposed land uses, and the impact on amenity can be appropriately mitigated; or
2. proposals are compatible with adjacent existing and proposed land uses and any impact on amenity can be appropriately mitigated; and either
 - a. proposals positively contribute to the range and quality of employment opportunities in the borough; or
 - b. the site is no longer required for employment use on the basis that adequate provision of employment land would remain within the borough to meet its economic strategy and development needs (based upon an assessment of existing land supply including amount, type, quality and use of land, and current and future demand), or, the site is no longer viable for employment use as demonstrated by:
 - i. having been marketed for at least 12 months, including both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and
 - ii. opportunities to re-let premises having been fully explored; and
 - iii. the premises / site having been marketed for sale or to let (as appropriate), at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals); and
 - iv. the terms and conditions set out in the lease being reasonable and attractive to potential businesses, and that no reasonable offer has been refused."

Further to the above, Policy CS9 'Transforming Rotherham's Economy' indicates allocating employment land is to support employment growth and protect viable employment sites and support the regeneration and intensification of previously developed land.

The applicant therefore needs to demonstrate how the proposed development would meet the criteria set out in Policy SP17. Given significant weight should be given for it being an allocated Employment Land.

In this instance, the proposed Synchronous Condenser Facility represents critical infrastructure that will support the stability and resilience of the National Grid as the UK transitions toward a low-carbon energy system. The increasing reliance on renewable energy sources, such as wind and solar, results in reduced system inertia and reactive power capability. Synchronous condensers therefore play an essential role in maintaining grid frequency and voltage stability, helping to reduce the risk of power outages. As such, the development makes a significant contribution toward the delivery of national net zero objectives and aligns with Policy CS30 of the Core Strategy, which supports low carbon and renewable energy infrastructure, as well as the overarching aims of the NPPF in supporting the transition to a sustainable and secure energy system.

It is also important to recognise that facilities of this nature are typically large-scale, utility-based infrastructure that require suitable industrial locations with appropriate access and separation from sensitive uses. If such development were to be resisted within established industrial and business areas, it could result in increased pressure for similar proposals to be located in less appropriate areas, including the Green Belt, where impacts on openness and the purposes of designation could be significantly greater. In this context, the siting of the development within an existing industrial area is considered both logical and preferable in planning terms.

Whilst it is acknowledged that the development will generate limited permanent employment and therefore does not strictly comply with the criteria set out in Policy SP17, it will deliver economic benefits during the construction phase and, more significantly, provides essential infrastructure necessary to support wider economic activity and energy security. When considered in the round, including the scheme's contribution to national infrastructure, energy resilience, and climate change objectives, these factors are considered to carry substantial weight.

It is therefore concluded that material considerations, including the clear national and local policy support for low-carbon energy infrastructure, outweigh the identified conflict with Policy SP17, and that there are sufficient planning grounds to justify the development in this location.

Design considerations

The NPPG notes that: "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities

will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”

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

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

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

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 development is a standard fit for purpose design that reflects the electrical infrastructure usage. The site is appropriate for such a utilitarian structure and reflects the industrial nature of the site. Elements of landscaping have been retained to minimise the visual impact of the development.

Furthermore, the applicant’s Landscape Visual Assessment has demonstrated that building will not harm the setting of the nearby Green Space/ Golf Course.

Highways

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

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

SP26 ‘Sustainable Transport for Development’ states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely

affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 110 and 112 of 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-curtilage parking does not result in streets dominated by parking platforms to the front of properties.

The applicant has provided a revised drawing P25-1472_SK04 Rev A, dated 29th April 2026, which provides a new vehicle access in a location which is in accordance with industry standards. The location of the new access will result in a change in the priorities of the adjacent junction and will require the applicant to enter into a s278 agreement to undertake the necessary lining and signing amendments.

The applicant has provided a Construction Traffic Management Plan (CTMP) that indicates that on average, the number of HGV vehicle trips to the site is 2no per day, based on a 2 year construction period. Whilst the applicant is unable to provide a more detailed analysis of the actual vehicle movements at this moment in time, a condition should be applied that will require the applicant to submit a more detailed CTMP prior to any commencement of work on site.

Grange Lane itself, is a no through road for motorised vehicles with at least one footway present from its junction with Bawtry Road, until it's termination at the applicants site entrance. These footways are approximately 1.7m wide with street lighting present along it's full length. There are bus stops located on Bawtry Road near to the junction with Grange Lane, with a pedestrian refuge (approximately 2.5m in width) near to Bonet Lane to assist pedestrians crossing the road in this area.

Therefore, the proposed development would not have an unacceptable impact on highway safety or a severe impact on the highway network. Accordingly, the proposal would be in compliance with the requirements of the national and local policies referred to above.

General Amenity

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

Local Plan policy CS27 'Community Health and Safety' states: "Development will be supported which protects, promotes or contributes to securing a

healthy and safe environment and minimises health inequalities.” Policy SP52 ‘Pollution Control’ states: “Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity.”

In respect of amenity, the site is set significantly away from neighbour residents with the nearest residential dwelling being over 500m away. The plant will not generate any air pollution and the Council’s Environmental Health Officer consider the noise impact acceptable, subject to relevant conditions.

Land Contamination

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

Policy SP52 ‘Pollution Control’ states that: “Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to:

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

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

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

The above Phase 1 report has undertaken a review of the above development site and not identified any previous uses of the site that could give risk to some contamination but have suggested some contamination risks may be present. Historic maps and records do not identify any previous uses of the site that could give rise to some contamination that could affect the proposed development. As such it is not considered any further assessment of the contamination risks are required for the proposed development and would not request any Phase 2 Intrusive Investigation to be undertaken, or require a planning conditions for this. However, should unexpected contamination be encountered during the development, the Local Authority will need to be contacted.

Ecology and BNG

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

Policy CS20 'Biodiversity and Geodiversity' states: "The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected, and measures will be taken to enhance these resources ..."

Policy SP33 'Conserving the Natural Environment' states: "Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery..."

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

The application site comprises a mosaic of previously developed land and semi-natural habitats of moderate ecological value. The dominant habitat is ruderal/ephemeral vegetation associated with open mosaic habitat on previously developed land, which supports a diverse assemblage of early successional plant species and provides opportunities for invertebrates and small mammals. Peripheral habitats include areas of mixed scrub, unmanaged broadleaved woodland, and small pockets of modified grassland, all of which contribute to the structural diversity of the site and offer foraging, nesting, and sheltering opportunities for a range of species, including breeding birds, invertebrates, and potentially reptiles. Protected species potential across the site is generally limited due to its industrial context and disturbance history; however, habitats may support common species such as nesting birds, foraging bats, and notable species including hedgehogs and invertebrates.

The proposed development is likely to result in the direct loss of these habitats, particularly the open mosaic vegetation, woodland, and modified grassland, leading to a reduction in habitat availability and connectivity. This may have adverse impacts on species reliant on these habitats for foraging and nesting, including birds, invertebrates, and commuting or foraging bats, as well as causing disturbance during construction activities. Additional indirect impacts may arise from increased lighting, noise, and human activity associated with the operational phase, potentially affecting nocturnal species and altering site usage. While the development includes mitigation and enhancement measures such as new woodland planting, grassland creation, and sustainable drainage features, these are unlikely to fully compensate for the immediate loss of established habitats on site without long-term management and supplementary off-site biodiversity measures.

The Biodiversity Net Gain (BNG) assessment for the site identifies a baseline value of 10.60 habitat units, derived primarily from ruderal/ephemeral habitats, mixed scrub, and areas of broadleaved woodland of moderate ecological value. The proposed development will result in the loss of a range of semi-natural habitats, including open mosaic vegetation, woodland, and modified grassland, which collectively contribute to the site's existing biodiversity value. While the scheme incorporates mitigation through the creation of new habitats such as native woodland planting, neutral grassland, and a sustainable drainage system (SuDS), the post-intervention assessment indicates a significant reduction in on-site biodiversity, with a calculated total of 3.33 habitat units. This represents a net loss of 7.26 units, equating to a 68.55% decrease in habitat value compared to the baseline position.

In order to comply with the mandatory requirement to deliver at least a 10% net gain in biodiversity, the development will need to secure additional habitat units off-site. The assessment confirms that a total of 11.65 units is required to achieve policy compliance, resulting in a current shortfall of approximately 8.32 units that must be addressed through the purchase of off-site biodiversity credits or equivalent measures. On-site, the delivery of biodiversity enhancements will be supported through a detailed Habitat Management and

Monitoring Plan (HMMP), which will ensure the long-term establishment and maintenance of retained and newly created habitats. This approach, alongside the implementation of native planting, habitat connectivity measures, and ecological enhancements such as bat and bird boxes, will contribute to maximising biodiversity gains within the constraints of the development footprint.

Conclusion

In conclusion, the proposed synchronous condenser facility represents a strategically important development that will support national grid resilience and the transition toward a low-carbon energy system. While the scheme departs from the preferred uses within the designated employment allocation, it delivers clear wider benefits that are considered to outweigh this conflict, particularly in the context of national infrastructure needs. Technical assessments demonstrate that impacts relating to highways, noise, flood risk, contamination, and heritage are either negligible or can be appropriately mitigated through planning conditions. Furthermore, the site's industrial context and proposed landscaping measures ensure that the development will integrate acceptably within its surroundings without causing unacceptable harm to visual amenity or nearby land uses.

Although concerns have been raised by local residents regarding traffic, amenity, and cumulative impacts, the evidence indicates that these issues can be adequately controlled through robust conditions, including detailed construction management, noise limits, and operational safeguards. Ecological impacts and biodiversity loss are acknowledged; however, these will be addressed through mitigation measures and off-site compensation to achieve required biodiversity net gain. Taking all material considerations into account, including compliance with relevant local and national planning policies, the proposal is considered acceptable overall and therefore recommended for approval subject to appropriate conditions and obligations.

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, 16, 17, 20 & 22-27** 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, 16, 17, 20 & 22-27** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

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

Reason

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

02

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

- PROPOSED SITE ACCESS ARRANGEMENT (OPERATIONAL PHASE), Drawing Number: P25-1472_SK04.
- PROPOSED PLAN, Drawing Number: CEL-30052-PP-001, Rev D
- INDICATIVE SITE PLAN, Drawing Number: CEL-30052-PP-IP-006, Rev D

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

Highways

04

PC 24 Before the development is brought into use, that part of the site to be used by vehicles shall be properly constructed with either
a/ a permeable surface and associated water retention/collection drainage, or
b/ an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site.

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

Reason

In the interest of sustainable drainage.

05

The development shall not be commenced until details of the proposed alterations in the highway at the access to the proposed site, indicated on plan reference P25- 1472_SK04 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.

NB. You will appreciate that these works will require an Agreement under S278 Highways Act, 1980 and involve the provision of a new vehicle access into the site and a change to the existing give way / stop junction arrangement. This will require an amendment to the existing signing and lining and provision of new signs and lining.

Reason

In the interest of highway safety.

06

Prior to the commencement of works an amended Construction Traffic Management Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Vehicle routing / storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

In the interest of highway safety and neighbouring amenity.

Landscaping

07

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

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

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

Reason

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

08

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

Reason

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

Noise

09

The Noise Rating Level due to the combined noise emissions of all items of fixed plant and equipment installed or in use at the site shall not exceed the representative Background Sound Level at nearest sensitive receptor locations (as detailed in Tables 4-5 and 4-6 of the Noise Impact Assessment by Stantec UK Limited, dated January 2026 (Project No: 332612619; Rev: P03) as assessed in accordance with the methodology and principles set out in BS4142:2014+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.

10

The proposed Synchronous Condenser Facility shall not be brought into use until a further Noise Impact Assessment has been carried out once details of plant and equipment has been finalised, and a report has been submitted to and approved in full by the Local Planning Authority. The noise assessment shall be undertaken by a competent person (see footnote) and in accordance with the methodology and principles set out in BS4142:2014+A1:2019: Methods for Rating and Assessing Industrial and Commercial Sound, to demonstrate that the combined Noise Rating Level of all items of fixed plant and equipment installed or in use at the site do not exceed the representative Background Sound Levels at the nearest noise sensitive receptor locations (as detailed in Tables 4-5 and 4-6 of the Noise Impact Assessment by Stantec UK Limited, dated January 2026 (Project No: 332612619; Rev: P03). If it cannot be demonstrated that the required noise criteria can be achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further approved measures shall be completed to achieve the sound level required before the development is first brought into use.

Reason

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

Construction Phase

11

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

Reason

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

12

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 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 in accordance with RMBC Policy SP52 and Part 15 of the NPPF.

13

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water 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 in accordance with RMBC Policy SP52 and Part 15 of the NPPF.

14

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

Reason

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

Drainage

15

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the sewerage undertaker. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason

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

16

The development hereby granted shall not be begun until details of the, surface water and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

Reason

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and in accordance with Policy CS25 of the Local Plan.

Trees

17

No operations, including site clearance, demolition or development works, shall commence on site until a detailed Arboricultural Method Statement (AMS) and final Tree Protection Plan (TPP) have been submitted to and approved in writing by the Local Planning Authority.

The AMS/TPP shall include full details of all tree protection and construction methodologies in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, and shall include:

- Timing and phasing of works;
- Installation and maintenance of tree protection fencing and construction exclusion zones;
- Site specific demolition and site clearance methodologies;
- Details of all level changes and regrading works adjacent to retained trees and hedgerows;
- Site specific construction specifications where works occur adjacent to retained Root Protection Areas;
- Details of any excavation works, service runs and drainage installation;
- Access arrangements, site compounds, storage areas and contractor parking;
- Details of arboricultural supervision and monitoring;
- Procedures for dealing with unexpected tree root discoveries or accidental damage.

The approved tree protection measures shall be installed prior to commencement of development and retained in situ for the duration of the construction works. No materials, plant, machinery, spoil, fires, mixing of cement or other activities likely to cause harm shall take place within any protected area.

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity, landscape character and green infrastructure value of the area, in accordance with Policies CS19 Green Infrastructure, CS20 Biodiversity and Geodiversity, CS21 Landscape and CS28 Sustainable Design of the Rotherham Local Plan and the recommendations of BS5837:2012.

Land Contamination

18

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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 187, 196 and 197 of the National Planning Policy Framework, December 2024.

19

If virgin material, subsoil/topsoil materials are required to be imported to site for remedial/landscaping works, then these materials will need to be tested at

a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination and will not present a risk to future users of the site and the environment.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 187, 196 and 197 of the National Planning Policy Framework, December 2024.

Employment

20

Prior to the commencement of development, the attached Local labour Agreement pro forma for the construction phase of the development shall be completed in its entirety and submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Agreement and within 3 months of completion of the approved development, data shall be submitted to the Local Planning Authority demonstrating how the indicators were met.

Reason

To improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities, in accordance with Policy CS10 'Improving Skills and Employment Opportunities'

Ecology

21

Notwithstanding the submitted details, before above ground works commence details

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

Reason

In the interests of biodiversity enhancement.

22

No development shall commence on site until:

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

The details shall be implemented in accordance with the timescales set out in the approved Biodiversity Gain Plan.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the

consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Reason

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition), to ensure Biodiversity Net Gain.

23

The development shall not commence until a Habitat Management and Monitoring Plan (HMMP) has been submitted prepared in accordance with the approved Biodiversity Gain Plan and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;
- and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Reason

To promote ecological enhancement on site.

24

No development shall commence until an updated Preliminary Ecological Appraisal (PEA) has been submitted to and approved in writing by the Local Planning Authority. The PEA shall include:

- A detailed methodology outlining survey effort and assessment approach;
- A Ecology Desk Study including records from the relevant Local Environmental Records Centre;
- Details of surveyor qualifications, experience and competence; and
- A clear assessment of impacts to protected and Priority species and habitats.

Reason:

To ensure sufficient ecological information is available to assess impacts on biodiversity in accordance with Policies CS20, SP33, SP34 and SP35.

25

No development shall commence until a Great Crested Newt assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. The assessment shall include:

- Habitat Suitability Index (HSI) assessments of all ponds within 500m of the site;
- Where suitable habitat is identified, presence/absence surveys undertaken in accordance with current best practice guidance;
- A mitigation strategy, if required;

Alternatively, evidence of enrolment within a Natural England District Level Licensing (DLL) scheme (including a valid Impact Assessment and Conservation Payment Certificate) may be submitted for approval.

Reason:

To ensure that impacts to European Protected Species are fully understood and addressed prior to determination

26

No development shall commence until bat activity surveys have been undertaken and a report submitted to and approved in writing by the Local Planning Authority. The report shall include:

- Survey effort proportionate to a site of at least moderate suitability;
- Identification of species present, commuting routes and foraging behaviour; and
- A mitigation and enhancement strategy where required.

All works shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that impacts to bats, a protected species, are appropriately assessed and mitigated.

27

No development shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Measures to protect retained habitats;
- Precautionary working methods for protected species (including amphibians, reptiles and nesting birds);
- Timing of works to avoid sensitive periods; and
- Ecological supervision (where required).

Development shall be carried out in accordance with the approved CEMP.

Reason:

To safeguard biodiversity during construction in accordance with local and national planning policy.

Informative

01

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

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

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun. For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

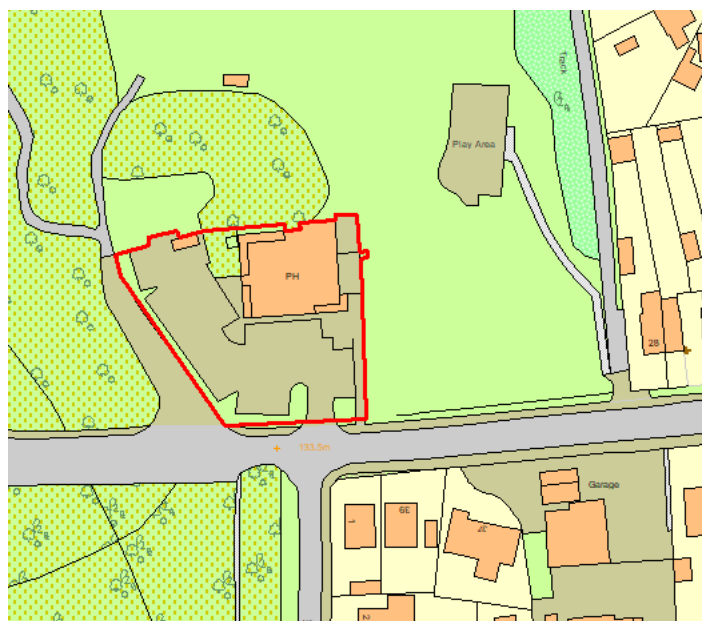
POSITIVE AND PROACTIVE STATEMENT

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.

Application Number	RB2026/0412 https://rotherham.planportal.co.uk/?id=RB2026/0412
Proposal and Location	Application to vary conditions 02 (hours of use of external area) and 03 (use of television screens externally in covered area) imposed by RB2023/1386 at Ravenfield Arms Hollings Lane Ravenfield Rotherham S65 4PS
Recommendation	Refuse

This application is being presented to Planning Board at the request of a Planning Board Member

Site Description & Location



The existing building on site is currently in use as a public house and has been established over 20 years following the conversion from a social club.

The land to the east and north is public open space in use as a recreation ground and children's play area and in the ownership of Rotherham Borough Council, with residential properties beyond to the east, as well as to the south across Hollings Lane.

The site contains a large building with a car park to the front and side, accessed directly from Hollings Lane which links Thrybergh to Ravenfield. To the west of the site is woodland with a Public Right of Way through the wooded area to the north west which also extends across Hollings Lane to the south west.

To the front of the pub is a seating area accessed directly from the car park whilst to the eastern side is a raised covered decking approved under planning application RB2023/1386.

Background

RB1990/0702 Outline application for erection of sports/social club with managers accommodation at 1st floor level – Granted conditionally.

RB1995/0403 Two single storey extensions to form family room and extended kitchen/cellar – Granted conditionally.

RB2003/1577 Change of use of club to public house – Granted conditionally.

Conditions imposed were:

01

The changing room, shower and associated facilities (hereinafter referred to as the 'sports facilities') within the building, as indicated on the approved layout plan, shall be retained for such use and made available to the general public unless otherwise agreed in writing with the Local Planning Authority.

02

The use hereby permitted, other than that relating to the 'sports facilities', shall only be open to the public between the hours of 1100 and 2330 Mondays to Saturdays and 1200 and 2300 Sundays.

03

No food sold within the premises shall be taken away for consumption.

04

All Cooking odours shall be exhausted from the building via a suitable extraction and/or filtration system, details of the siting and operation of which shall be submitted to and approved by the Local Planning Authority prior to installation and the equipment shall thereafter be kept in efficient working order.

05

None of the land outside the building shall be used as a drinking area or play area.

06

No amplified music played within the building shall be audible at the site boundary.

RB2023/1386 - Use of land as extension to public house with erection of covered seating area to side and variation of condition 5 of RB2003/1577 to allow open seating area to the front – Granted conditionally.

Conditions imposed

01

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

- Drawing nos. 2023-689-006 Rev B,
- 2023-0689-007 Rev A,
- 2023-689-008 Rev A and
- 2023-689-009 Rev A Received 3 May 2023

No additional areas of external seating shall be formed.

Reason

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

02

The external seating area and enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023- 689-006 Rev A) shall only be open to patrons between the hours of 10:00hrs – 21:00hrs Mondays to Sundays.

Reason

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

03

There shall be no televisions situated outside of the pub or in the enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023-689-006 Rev A).

Reason

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

04

There shall be no playing of live or amplified music, or amplified audio outside of the pub or in the enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023-689-006 Rev A).

Reason

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

05

The doors located to the eastern elevation as indicated on the Architecture 1B plan (Drawing Ref No.2023-689-006 Rev A) shall remain closed at all times except for ingress and egress purposes.

Reason

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

06

No drinks shall be taken outside the boundary of the public house.

Reason

To safeguard the amenity of the Green Belt and users of the adjacent recreation area

RB2024/1033 Application to vary conditions 02 (to allow the external seating area and enclosed terrace to open to patrons until 23:00 hours), 03 (to allow televisions in the enclosed terrace until 21:00 hours) and 04 (to allow the playing of live or amplified music, or amplified audio outside of the pub or in the enclosed terrace until 21:00 hours) imposed by RB2023/1386 – Refused for the following reason;

01

The Council considers that the proposed variation of Conditions 02, 03 and 04 previously imposed by planning application RB2023/1386 as suggested would result in significant adverse impact to nearby occupiers on grounds of noise nuisance and general disturbance. As such it would be contrary to Local Plan Policy SP52 'Pollution Control' and the guidance in the NPPF.

A subsequent appeal against this refusal was dismissed by the Planning Inspectorate.

RB2025/0348 Application to vary conditions 01 (approved plans) to include installation of glazed screens and security gates to external seating areas, 02 (hours of opening for external areas) and 03 (use of TV screens externally) imposed by RB2023/138 – Refused for the following reason:

01

The Council considers that the proposed variation of conditions 02 and 03 previously imposed by planning application RB2023/1386 as suggested would result in significant adverse impact to nearby occupiers on grounds of noise nuisance and general disturbance which would not be mitigated by the proposed amendment to condition 01 to install glazed screens and gates. As such it would be contrary to Local Plan Policy SP52 'Pollution Control' and the guidance in the NPPF.

Proposal

This application seeks to vary conditions 02 (hours of use of external area) and 03 (use of television screens externally) imposed by planning approval RB2023/1386 and seeks to address the previous reasons for refusal on previous applications to amend these conditions (ref RB2024/1033 and RB2025/0348) as follows:

Condition 02

The external seating area and enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023- 689-006 Rev A) shall only be

open to patrons between the hours of 10:00hrs – 21:00hrs Mondays to Sundays.

The applicant is requesting that this condition is amended to allow the external seating area to be allowed to operate within the permitted opening hours of the Public House. The permitted hours in planning terms are 1100 and 2330 Mondays to Saturdays and 1200 and 2300 Sundays, as approved under planning application RB2003/1577.

The submitted Planning Statement states that:

- The terrace forms part of the normal operation of the public house and provides outdoor seating for customers. Since the installation of the terrace it has operated in accordance with the existing planning permission.
- The terrace has now been operating for a significant period of time and, to the best of the applicant's knowledge, there have been no complaints from neighbouring properties relating to noise or disturbance arising from the use of the terrace.
- This demonstrates that the terrace can operate without causing harm to the residential amenity of nearby occupiers. The external seating area is supervised by staff during trading hours and forms an ancillary element of the public house.

A Noise Impact Assessment (previously submitted under RB2025/0348) has been submitted to assess the potential impact on neighbouring properties.

Condition 03

There shall be no televisions situated outside of the pub or in the enclosed terraced area as indicated on the Architecture 1B plan (Drawing Ref No.2023-689-006 Rev A).

This application as originally submitted requested permission to amend this condition to allow the installation of 5 television screens (3 in the external covered area and two in the open external area), facing into the site.

This has subsequently been amended during the course of the application to the installation of 3 television screens in the external covered area only and none in the external uncovered area.

The submitted Planning Statement states that:

- No external speakers or amplified sound are proposed in association with the televisions. These measures ensure that neighbouring residential amenity will continue to be protected.
- The proposed management of the terrace, including the absence of external amplified sound and the inward positioning of television screens, ensures that noise impacts will remain limited.

The applicant has further written to state:

The scheme has been significantly amended and now includes:

- No external speakers or amplified sound
- Restriction of terrace use to 23:00 hours Televisions positioned inward and limited to a covered, partially enclosed area
- Ongoing staff supervision of the external area
- A professional Noise Impact Assessment has been submitted which concludes that the use of the terrace, including during sporting events, results in a low likelihood of adverse impact on nearby residential receptors, with predicted noise levels generally below thresholds associated with adverse effect.
- It is also a material consideration that the terrace has been operating for a considerable period without any known complaints, demonstrating that the use does not give rise to disturbance in practice.
- The objections submitted appear to be based on assumptions regarding potential behaviour rather than evidence of actual harm arising from the operation of the premises. Whilst such concerns are understood, they are not supported by the acoustic evidence or the real-world use of the site.
- The proposal does not introduce a new use, but seeks to allow a controlled and proportionate use of an existing public house, with appropriate mitigation in place.
- The restriction of televisions to the covered terrace area, enclosed on three sides, provides an additional level of control and containment of any associated activity.
- It is considered that there is no substantive evidence to demonstrate that the revised proposal would result in significant adverse impact on neighbouring amenity, and that any potential impacts can be appropriately managed through condition.

Development Plan Allocation and Policy

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

The application site is allocated as Green Belt land in the adopted Local Plan For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

SP52 'Pollution Control'
SP55 'Design Principles'

Other Material Considerations

National Planning Practice Guidance (NPPG).

National Planning Policy Framework: The NPPF (as amended) 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 was advertised by letters to adjacent occupiers/previous representees and by a site notice. 16 representations have been received. Of these 13 letters of objection have been received from residents and one from the Parish Council raising the following:

- Anti-social behaviour from residents at the pub
- Numerous police incidents where damage has been caused to property from children whose parents are in this establishment and not looking after their children.
- It is disappointing that this business continues to ignore the impact on the local community
- Residents do enjoy and want to support the business, but it is located in a village, not a town or city, so consideration needs to be giving to the community it belongs to.
- The size of the outside space can accommodate around 126 people seated and even more with people standing, which is a substantial amount of people with potential to create noise.
- TV's, even without any amplified sound, would create attraction to the venue when sports events are on, keeping this inside would help to reduce the impact.
- The conditions were imposed to protect the amenity of the occupiers of nearby properties. The conditions are reasonable and necessary.
- Noise during matches and people drinking too much and shouting was not pleasant to hear when you are trying to sleep, finding the language of drunken people unpleasant.
- Cars left overnight in the main road is getting ridiculous.
- Even with restricted hours still cannot have windows open at night due to noise also when people leaving at end of night.
- The outside TV were told to be removed last time. They were not and have been on.
- The rubbish from the pub on the field is never ending
- The absence of formal complaints should not be interpreted as an absence of impact, but rather as evidence that the current restrictions are working effectively to protect neighbouring residents.
- There have been occasions where the terrace has been used beyond the permitted hours, including after 9pm. This raises concerns about how consistently the existing conditions are being followed and whether any relaxation of those conditions could be relied upon to be properly managed.

- Reference has been made to the use of the terrace by those supervising children using the nearby play area. From an observational perspective, the play area is not close enough to the terrace for proper supervision of small children.
- The presence of children in outdoor spaces during late evening periods, particularly beyond 9pm, further reinforces the need for careful consideration of how the surrounding environment is managed and whether it remains appropriate for all users.
- The applicant purposely fails to mention that for the last six months the open terrace has had minimal nighttime use by patrons because of the colder, darker evenings and nights.
- The covered terrace has benefitted from having the hitherto fully exposed side being boarded up with a false wall. Thereby creating a far more enclosed space. This has now been removed.

Ravenfield Parish Council have submitted objections to the application noting that the absence of recent complaints reflects the effectiveness of the removal of external television screens and the restriction of external operating hours in reducing disturbance. They also raise concerns that permitting television screens to be installed facing towards the Ravenfield Arms building could exacerbate noise issues. In particular, it was felt that this may encourage patrons to project noise outward towards nearby residential properties, rather than containing activity within the premises.

Two letters in support can be summarised as follows;

- This is a fantastic local pub for the community. The use of the outside space is important to adults and children.
- There is no reason for not allowing the tvs to be used within the rules and regulations and allowing for a reasonable curfew
- This will only enhance the reputation of the place, bring in money for a local business and support the community as a whole where pubs are constantly struggling to stay open.
- Other local pubs have this already, cant see how restricting and treating this venue is fair.

At the time of writing this report two request to speak at the meeting have been received, one from the applicant and one from Ravenfield Parish Council.

Consultations

RMBC- Highways: As the planning application does not appear to have a highway involvement they have no observations to make upon it.

RMBC - Environmental Health – Note that the noise assessment was previously taken into consideration as part of application RB2025/0348 and the reasons for recommending refusal by Environmental Health at that time are provided under that application.

They note that since the initial application the applicant has confirmed that the televisions are proposed to be installed in the external covered terraced area only and not the external seating area to the front and that the applicant also later confirmed that the proposed televisions in the covered external terraced area would be for passive/background viewing only.

However, the site is located within a tranquil area and in very close proximity to residential dwellings and they consider that the proposed changes to the previously imposed conditions would result in significant adverse impact as a result of noise disturbance to nearby occupiers for the reasons set out in the appraisal below.

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:

- Neighbour amenity
- Other issues raised by representations

Neighbouring amenity

Local Plan policy SP55 states that: *"All forms of development are required to be of high quality, incorporate inclusive design principles and create decent living and working environments."*

Policy SP52 'Pollution Control' notes that: *"When determining planning applications, particular consideration will be given to (amongst others);*

- 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.*

The supporting text notes that: *“Some uses are particularly sensitive to noise. For the purposes of this policy these include, but are not restricted to: housing and residential institutions.....”*

It adds further that: *“Noise generated may vary at different times, and there are maximum levels set out in government regulations that are considered to be reasonable. Measures can sometimes be incorporated into development to reduce noise to acceptable limits.”*

The NPPF at paragraph 135 (f) states that Planning policies and decisions should
(amongst others):

f) 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.

Furthermore, the NPPG states that *“The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.*

These factors include:

- the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;*
- Some commercial developments including fast food restaurants, night clubs and public houses can have particular impacts, not least because activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the noise that may be made by customers in the vicinity.*

The original application (RB2023/1386) for the external seating areas was only considered to be acceptable subject to the restrictive conditions imposed to protect the amenity of nearby occupiers.

The primary concern in considering changes to Conditions 02 and 03 is the potential impact of the development, if those original conditions are not retained, on the amenity of nearby residents, particularly in terms of noise and disturbance.

In considering the previous refusal the Planning Inspector considered that *“There is inevitably some noise and disturbance associated with living close to a pub and in this case the external covered and uncovered areas have been*

allowed but the conditions imposed mitigate the harm. Varying these conditions as proposed would conflict with Local Plan1 Policy SP 52 which seeks to control pollution, including noise, and permits development only where it can be demonstrated that harm to amenity, amongst other things, can be mitigated." As such the appeal was dismissed.

Objections have been received from occupiers close to the site who consider that the previously imposed conditions should remain in place as per the Inspectors decision. This would strike a balance between commercial and residential uses and protect the amenity of nearby residents. They further consider that the use of televisions externally, even without amplified sound, would attract many people to the site when sporting activities are on creating increased noise and disturbance for nearby residents. Objectors also state that the lack of any complaints is due to the winter months when outside seating is rarely used and the temporary enclosure of the side wall of the covered area.

In consideration of the objections received and the concerns raised by Environmental Health officers the applicant proposes to reduce the number of televisions to three and restrict them to the covered area only, facing inwards towards the public house and states that the televisions would be for passive/background use only without any amplified sound. He considers that this is adequate mitigation to allow the televisions to be approved and to extend the opening hours for the use of the external area.

Environmental Health officers have assessed the current amended application to vary the previously imposed conditions and state that the submitted noise assessment was previously taken into consideration as part of application RB2025/0348. The reasons for recommending refusal by Environmental Health at that time stated that they considered that the introduction of TV's for hosting sporting events and potentially other events is an additional attraction to the premises and the number of patrons that attend the venue will therefore likely increase. The premises are located within a semi-rural village within an area of tranquillity. The proposal is akin to what would be expected within a high street/city centre location and not within a small village such as Ravenfield.

They further considered at that time that the outdoor terraced areas should only be used for drinking purposes/consuming food until early evening and is not suitable to use late at night due to potential noise issues and the close proximity of sensitive receptors to the site.

The proposed changes to the conditions imposed to allow extended external opening hours and the provision of TV's externally would in their opinion be likely to result in significant adverse impact on grounds of noise disturbance to local residents if it is allowed to operate as the applicant is proposing.

With regard to the current application they consider that the use of the terraced area until 23:00hrs will be highly likely to result in noise disturbance to nearby sensitive receptors. They do not accept that the purpose of the

televisions in this area will be for passive/background viewing only and they consider that it is likely that the applicant wishes to show sporting and other similar events outdoors, as described in the various other previous applications.

There are concerns regarding increased noise levels adversely impacting on nearby noise sensitive receptors from allowing televisions in the outdoor covered terraced area with or without amplified audio. Although the applicant states that there will be no amplified audio associated with the televisions, noise from patrons as a result of watching and reacting to live sporting events etc on television will considerably elevate noise levels in the area, especially whilst patrons are under the influence of alcohol. Noise will include shouting, cheering, raised voices, swearing etc which will be clearly audible at receptor locations.

The Environmental Health officers state that the covered external terraced area is of makeshift construction, so it is not a solid build and is not soundproofed. Further to this the two drinking areas (external covered terraced area and the external terraced area to the front) are intrinsically linked as they run into each other so noise in one area will travel through into the other. If viewers of the televisions watching a sporting event in the covered external terraced area begin cheering, shouting etc as result of what is happening during the event then this will then have the knock-on effect of causing the crowd of people in the external terraced area to participate.

The proposed 7ft high fencing to the southern boundary (two sides only) of the external terraced area (as referred to in the submitted Noise Assessment) will not be effective in preventing the escape of the noise given that residential dwellings are only a short distance away from that drinking area. The fence does not completely enclose the front external terraced area, and the number of reflective surfaces such as the brick wall of the main building will result in reflections and the escape of noise.

The Planning Inspectorate Appeal Decision of the 14th February 2025 (Appeal Ref: APP/P4415/W/24/3352764) following a site visit, agreed that the premises were located in close proximity to residential dwellings and considered that condition 02 was reasonable and necessary in order to protect the living conditions of the occupiers of the neighbouring properties from noise and disturbance.

The inspector considered that *"The existing conditions allow patrons to use the outdoor covered and uncovered space seven days a week all day until 2100 hours. I note that the Council's Environmental Health Officer suggests that the covered area could be used later, until 2300. However, the open and covered areas run into each other and whilst a modest number of people could use this area without causing undue harm, larger groups could easily spill out into the uncovered area. The practicalities of allowing people to congregate in one part of this area and not another would be difficult to enforce and, in my view, is unreasonable. Given the proximity of residential properties to these areas, I consider that condition 02 is reasonable and*

necessary in order to protect the living conditions of the occupiers of the neighbouring properties from noise and disturbance.”

Environmental Health officers further consider that the siting of televisions away from external areas is a sensible measure to ensure that local residents are protected from unreasonable and unnecessary noise disturbance. It is usual for public houses to have televisions located inside the premises and it is not an unreasonable request for patrons who wish to watch live events to do so indoors or where noise can be effectively contained. With televisions located indoors, patrons can also listen to the amplified audio without causing disturbance to nearby sensitive receptors. The number of patrons outside should be limited given the close proximity to noise sensitive premises and not encouraged through the provision of outdoor entertainment.

The outdoor terraced areas should only be used for drinking purposes/consuming food until early evening and is not suitable to use late at night due to potential noise issues and the close proximity of sensitive receptors to the site.

With regard to the previous appeal regarding the installation of external televisions the Planning Inspector having taken account of the submitted Noise Assessment considered that *“Levels of shouting, cheering or singing would rise and fall and therefore inevitably be more evident and potentially more disturbing to local residents. I am also mindful of the practicalities of showing live sporting events during the earlier part of an evening and turning televisions off at 2100 (a 2000 hours kick off for a football match for example would extend well beyond 2100).*

I do not therefore consider that a condition that could have the effect of truncating a live event would be reasonable. I note that the appellant states that patrons would locate themselves at the outset within the pub to avoid disappointment should such a scenario occur but this does not convince me that this would be a realistic arrangement. Therefore, I do not consider that allowing televisions into these areas of an evening would be acceptable.”

It is considered that the proposed development with extended external opening hours and the provision of TV's and speakers would be likely to result in significant adverse impact on grounds of noise disturbance to local residents if it is allowed to operate as the applicant is proposing.

The Planning Inspector also noted that the covered terrace is substantial in size and that the noise emanating from patrons using the covered and uncovered terraced areas of the pub is likely to generate peaks which would be more apparent when they are watching live sporting event. He also noted the reference to significant football events that have taken place to date and that from the representations received, the occupiers of neighbouring houses have experienced noise disturbance over the time when the covered and uncovered areas have been in use. Whilst this may not have been considered a statutory nuisance, it has been a source of complaint from neighbours.

It is considered that the outdoor terraced areas should remain restricted to 21:00hrs and that no televisions should be allowed in the outdoor areas, with or without amplification. The proposed development would result in significant adverse impact as a result of noise disturbance to nearby sensitive receptors.

Other issues raised by representations

- Cars parked in the highway

The public house has a large car park and the Highways officers have raised no concerns with regard to parking issues, any obstruction of the adjacent highway would be a police matter.

- Non compliance with previous conditions

Objectors have expressed concern that previously imposed conditions, specifically those relating to limited opening hours for the outdoor area and the use of the installed televisions, have not always been adhered to, raising doubts about compliance in the future. Any breaches of existing conditions can be enforced accordingly.

- Children causing problems for nearby residents

This is not a planning consideration

- Concerns regarding children being present in the late evening

This is not a planning consideration.

Conclusion

In conclusion, having taken into account the concerns raised by Environmental Health Officers, together with those previously identified by the Planning Inspector, it is considered that the extended use of the outdoor seating areas and the installation of televisions would be likely to result in an unacceptable impact on nearby residents, particularly in terms of noise disturbance and general amenity.

Reasons for Refusal

01

The Council considers that the proposed variation of conditions 02 and 03 previously imposed by planning application RB2023/1386 as suggested would result in significant adverse impact to nearby occupiers on grounds of noise nuisance and general disturbance. As such it would be contrary to Local Plan Policy SP52 'Pollution Control' and the guidance in the NPPF.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant has taken the previous reasons for refusal into consideration the proposals submitted are still considered to be unacceptable and it is considered that it is not possible to support a scheme of this nature nor would any amendments make it acceptable. The application was not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.