

PLANNING REGULATORY BOARD

Date:- Thursday, 5 October 2017 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH
Time:- 9.00 a.m.

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 14th September, 2017 (herewith) (Pages 2 - 3)
6. Deferments/Site Visits (information attached) (Pages 4 - 5)
7. Development Proposals (report herewith) (Pages 6 - 45)
8. Updates
9. Date of next meeting - 26th October, 2017

Membership of the Planning Board 2017/18

Chairman – Councillor Atkin

Vice-Chairman – Councillor Tweed

Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Ireland,
Jarvis, Price, Taylor, R.A.J. Turner, Vjestica, Walsh and Whysall.



SHARON KEMP,
Chief Executive.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

Please tick (√) which type of interest you have in the appropriate box below:-

1. Disclosable Pecuniary

2. Personal

Please give your reason(s) for you Declaring an Interest:-

(Please continue overleaf if necessary)

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Democratic Services Officer prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Democratic Services Officer.)

**PLANNING BOARD
14th September, 2017**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, D. Cutts, M. Elliott, Fenwick-Green, Jarvis, Price, Taylor, John Turner, Tweed, Vjestica, Walsh, Whysall and Sheppard.

An apology for absence was received from Councillor Bird.

23. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

24. MINUTES OF THE PREVIOUS MEETING HELD ON 24TH AUGUST, 2017

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 24th August, 2017, be approved as a correct record for signature by the Chairman.

25. DEFERMENTS/SITE VISITS

There no site visits nor deferments recommended.

26. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

(2) That applications RB2017/1016 and RB2017/1060 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

27. COURTESY CONSULTATION - RESIDENTIAL DEVELOPMENT AT LAND EAST OF LUNDHILL ROAD, WOMBWELL, BARNSELY FOR PERSIMMON HOMES (RB2017/1160)

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the courtesy consultation from Barnsley Metropolitan Borough Council in respect of the proposed residential development of 150 No. dwellings with associated access, car parking, landscaping, public open space and infrastructure at land east of Lundhill Road, Wombwell, Barnsley for Persimmon Homes (RB2017/1160)

The application site was approximately 5 hectares in area (situated one kilometre to the South of the centre of Wombwell) and was currently two

distinct fields, which are used for grazing and stabling of horses. The eastern boundary of the site with Elsecar Canal was approximately 130 metres from the administrative boundary of Rotherham Metropolitan Borough Council at the Cortonwood Retail Park.

The nearest residential properties in Rotherham to the site were located on Springhill Avenue, Brampton Bierlow approximately 300 metres to the north-east of the site, which are on the opposite side of the Dearne Valley Parkway and beyond the Cortonwood Retail Park.

In terms of impact on the Rotherham Borough's highway network, it was considered that the proposal would have no significant impact on the highway network in the Rotherham Borough.

Resolved:- (1) That the report be received and its contents noted.

(2) That the Barnsley Metropolitan Borough Council be informed that this Council has no objections to this development proposal.

28. UPDATES

(1) Members were reminded that there would be a training session following the Board meeting on 5th October, 2017.

(2) Members were informed that a planning application had been received from Ineos with regard to shale gas exploratory drilling at Harthill with a further application to be submitted for Woodsetts. Discussions were taking place with a view to a presentation by the applicant on the Harthill application following the 5th October Board meeting. An extra meeting of the Planning Board to be arranged for consideration of the application due to the number of objections received.

(3) Sheffield City Council had been "minded to approve" the proposed expansion of the Meadowhall shopping centre. It had now been referred to the Secretary of State for consideration/approval.

29. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Regulatory Board take place on Thursday, 5th October, 2017, at 9.00 a.m.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Director of Service the detailed wording of a reason for refusal or a planning condition.
 - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Director of Planning Regeneration and Culture or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Director of Planning Regeneration and Culture.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chairman and Vice-Chairman will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chairman should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
05 OCTOBER 2017**

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.

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<p>RB2017/0634 New container bar in existing rear beer garden, new patio areas with beach huts, timber fencing, jambrollies, steps & planters and bin store in existing car park area at Sitwell Arms Pleasley Road Whiston for ABI Design Ltd</p>	<p>Page 21</p>
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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 05 OCTOBER 2017

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	RB2017/0550
Proposal and Location	Demolition of conservatory and triple garage, conversion and extension of outbuilding to create dwellinghouse and formation of new access drive at Newcroft 19 Woodsetts Road, Gildingwells, Worksop S81 8AU
Recommendation	Grant subject to conditions



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

Site Description & Location

The application site is situated to the rear of a large detached two storey dwelling, No. 19 Woodsetts Road, Gildingwells. The site includes part of the property's rear garden and is accessed from a separate access to the host property from between Nos. 5 & 7 Woodsetts Road. The site is approximately 0.23 hectares in area. The current main access to the site is to the side of No. 19 Woodsetts Road.

To the north eastern corner near the access point there is a stable block which was erected in 2009 and is unaffected by the proposals. To the south eastern corner there is a large triple garage which is proposed to be demolished and a large summerhouse

with a conservatory which is proposed to be extended and converted into a single dwelling.

Background

The site has the following planning history:

RB1980/1676: Residential development - GRANTED CONDITIONALLY 24/07/80

RB1983/0992: Details of dwelling with integral garage (reserved by r80/1676p)
- GRANTED CONDITIONALLY 22/09/83

RB1991/0066: Detached garage - GRANTED CONDITIONALLY 25/03/91

RB1992/0259: Conservation Area consent for demolition of steel framed asbestos clad workshop - GRANTED 16/04/92

RB1992/0350: Replacement of existing steel framed asbestos clad workshop with stone built structure - GRANTED CONDITIONALLY 16/04/92

RB1992/0671: Conservatory - GRANTED CONDITIONALLY 01/07/92

RB2007/1243: Conversion of bungalow to two storey dwellinghouse
- REFUSED 20/08/07

RB2007/2329: Increase in roof height to form new first floor
- GRANTED CONDITIONALLY 04/02/08

RB2009/0210: Erection of building to form two stables
GRANTED CONDITIONALLY 24/04/09.

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

Proposal

The proposal is for the conversion and extension of the existing summer house to form a separate dwelling house. The proposals include the demolition of the existing conservatory on the building and the demolition of the nearby triple garage. The summer house would then be extended and altered to form a dwelling house utilising a contemporary design with extensive use of glazing. The building would be faced in a mixture of local natural stone and timber cladding. The property would have a combination of flat sedum roofs and a standing seam zinc mono-pitched roof.

During the consideration of the proposals an open carport area situated underneath the property has been removed. The dwelling is to be single storey only. The scale of the existing built form on the site is as follows:

Existing Building Volumes (approximate):

Summer house = 250m³
Triple Garage = 204m³
Conservatory = 120m³
Total Existing Volume = 574m³

Proposed Volumes:
Kitchen & Living Area = 320m³
Bedrooms 2 & 3, Bathroom & Passage = 145m³
Master Bedroom, En-suite & Dressing = 75m³
Entrance Lobby & WC = 27m³
Total proposed volume = 567m³

The submitted Design and Access Statement states that; “the building is designed to resemble a cluster of barn-like buildings wrapping around an external courtyard.” The Design and Access Statement goes on to state that the design and materials “give the building an unashamedly contemporary appearance but within a building that sits comfortably in its context.”

The proposed dwelling would be accessed via the existing access that runs between 5 and 7 Woodsetts Road, and which currently serves No. 5 itself as well as land to the rear of Nos. 7, 13, 15 and 17 Woodsetts Road that is owned by the applicant. This land contains the stable building approved in 2009. The access would be constructed on Grasscrete and would run in a south westerly route to the property. Further to requests from the Council the width of the driveway has been reduced from 5m to 3m.

The applicant has submitted a Tree Survey which identifies which trees would have to be removed as part of the scheme and concludes that they are of low value. The Tree Survey recommends suitable replacement planting at the site.

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 ‘saved’ policies from the Unitary Development Plan (UDP).

The application site is located in the Gildingwells Conservation Area and is washed over Green Belt and an Area of High Landscape Value. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):
CS4 ‘Green Belt’
CS23 Valuing the Historic Environment
CS28 ‘Sustainable Design’

Unitary Development Plan ‘saved’ policy(s):
ENV1.1 Development in Areas of High Landscape Value
ENV2.11 ‘Development in Conservation Areas’
HG4.4 ‘Backland and Tandem Development’

Other Material Considerations

South Yorkshire Residential Design Guide.

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance 'Environment Guidance 1 – 'Extensions to dwellings in the Green Belt' of the UDP.

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 NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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 Core Strategy / Unitary Development Plan Policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of site notice, press notice, (Dinnington Guardian) and letters to neighbouring properties as affecting the setting of Gildingwells Conservation Area. The Council received 15 objections to the proposals as originally submitted. The comments received are summarised below:

- Noise and disturbance from the new access drive to the new dwelling.
- Loss of privacy from the new access drive.
- Object to the use of a shared drive for the access to this property.
- Consent from a neighbour would not be granted for use of the shared access drive.
- The new dwelling could cause drainage and potential flooding issues.
- Concerns about the additional sewage from the new property as the houses in this area all have septic tanks.
- Concerns about noise and disturbance during the construction process.
- Not informed about the application.
- Potential devaluation of neighbouring properties.
- Object to a new dwelling in this Green Belt location.
- This is over development of the land and the site has been overdeveloped over the years.
- This is not for a residential property but is for commercial and industrial purpose.
- There are protected species on the site including hedgehogs.
- The design of the dwelling would be out of keeping with the Gildingwells Conservation Area with its futuristic appearance and would harm its character and appearance.
- The new dwelling would clearly be seen within the surrounding area.
- The site will look like an industrial estate.

- Loss of peace and quiet in this rural location.
- The plans need checking in terms of volumes being accurate.
- The Design and Access Statement states that there would be public benefit to the scheme. However, there would not be any benefit to the village unless it was for a starter home or for an agricultural worker.
- It is inappropriate development in the Green Belt and is not infill development and it exceeds the 33% volume increase limit.
- This is inappropriate backland development in this ribbon village.
- This new development would be dangerous in highway safety terms.
- The development harms the openness of the area including the new walls.
- This would be overly urbanising the village.
- This would set a precedent for other forms of similar development in the village.

Further publicity has taken place in respect of the revised plans, removing the underground car port element. The Council has received two additional representation from a neighbouring household. The additional comments raised are summarised below:

- If this application is approved concerns are raised that the conditions would not be complied with. As other developments at the site have not had their conditions complied with and a workshop granted at the site has changed into a summer house without planning permission.
- The access road and turning area would lead to a significant increase in urbanisation of the site.
- It is a new build dressed up as a conversion.
- The buildings at the site should be used for domestic purposes. At the present time 3 businesses are registered at the property.
- No ecological or geological surveys have been undertaken at the site or bat surveys submitted.
- The proposal does not contain any biodiversity enhancement.
- The proposal could lead to light pollution for neighbouring residents.
- The site is not suitable being located next to a working farm with livestock that the applicant cannot control.

At the time of preparing the report, four Right to Speak requests have been received from neighbouring residents who wish to object to the application.

Consultations

RMBC - Transportation and Highways Design – No objections subject to conditions.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development in the Green Belt, including impact on openness.
- Design, scale and appearance and impact on Gildingwells Conservation Area.
- Impact on neighbouring amenity.
- Highway safety.
- Other issues raised by objectors.

Principle of the development in the Green Belt, including impact on openness.

The site is allocated as Green Belt in the adopted Unitary Development Plan and is also allocated as Green Belt in the emerging Sites and Policies Document (September 2015) and there is no intention to designate this as a potential housing site.

In respect of residential development of the site the Council's Core Strategy Policy CS4 Green Belt states the following: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development and sets out what could make a development unsustainable with regard to economic, social and environmental considerations.

Paragraph 90 of the NPPF states that the re-use of buildings may not represent inappropriate development in the Green Belt provided the buildings are of permanent and substantial construction and that the conversion preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

The Council's Interim Planning Guidance 'Development in the Green Belt' gives the following advice in regards to converting existing buildings:

"The conversion of an existing building is acceptable in principle providing the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, the re-use of buildings is not inappropriate development, provided that the buildings are of permanent and substantial construction.

For a building to be of permanent and substantial construction it must have walls and a roof, be structurally sound and not require significant re-building, cladding or significant external alterations. This would also include a building that would require significant internal alterations to bring it up to habitable standards unless it is desirable to retain the building because of the historic value or visual amenity that it provides.

Whilst the conversion of a rural building is acceptable in principle, it is important that certain design principles and other issues are considered. This supplementary design guidance reviews the conservation and technical issues that arise when traditional vernacular buildings are re-used. Most buildings in this category are agricultural but this guidance applies overall."

In respect of extensions, Paragraph 89 of the NPPF states the following:

"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst other things):

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”

The Council’s Interim Planning Guidance ‘Development in the Green Belt’ further states that: “an extension should not exceed more than 33% of the volume of the original building. This section gives guidance to extensions to all types of buildings, including outbuildings such as residential garages. If you want to extend a building in the Green Belt, you should follow the principles laid out in this guidance note.

The NPPF states that limited extensions of existing buildings can be acceptable if they do not result in ‘disproportionate additions over and above the size of the original building’. The NPPF defines ‘Original building’ as: “A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.”

We will take account of the degree to which your building has already been extended, and the effect of any further extension. You will need to consider several factors, such as the design, form and size of your extension.”

The building that would be extended is the original summer house which has a volume of approximately 250 m³. This building has already been extended by the addition of a conservatory which has a volume of approximately 120 m³, which represents a volume increase over and above the original building of approximately 48%. As such, the building has already been extended in excess of 33% of its original volume.

As the proposed extensions would be way in excess of the 33% volume increase of the original building, the development is therefore inappropriate development in the Green Belt and very special circumstances need to be demonstrated to justify this proposal.

It is noted that the applicant proposes to demolish the existing conservatory and triple garage on the site and extend the existing summer house to form a larger building comprising a single dwelling. The proposal is to form a dwelling that would have a total volume no greater than the existing total volume on the site of 574 m³. In addition, permitted development rights are to be removed from the proposed dwelling and the host property preventing the construction of extensions and future outbuildings for both, and in combination these are considered to represent the very special circumstances required to justify the inappropriate development in the Green Belt.

In terms of the impact on openness, paragraph 79 to the NPPF notes: “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 86 adds that: “If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt.” The village is indeed within the Green Belt and the importance of retaining the open character of the village therefore needs to be considered.

On the test of whether the current development represents a “greater impact” on openness it is considered that a greater impact is most likely to be represented by a significantly larger resultant volume than the existing built form on the site. As noted above the proposed development represents a modest overall reduction in volume of the existing built form on the site and condenses the development into one single building, as opposed to two separate buildings forming a triple garage and a summer house and conservatory. It is considered that the resultant development would not harm the openness of the Green Belt owing to the building having a similar volume to that which it is replacing and the low level single storey flat roofed form of the building. With the above in mind, it is considered that the proposed dwelling would not lead to a greater impact on the openness of the Green Belt.

In conclusion, as the scale of the extensions have been reduced to a volume of no greater than the total volume of the existing buildings on site, namely the summerhouse, conservatory and triple garage, then it is considered that the proposed development would not have a greater impact on the openness of the Green Belt in this location. In addition, it is also recommended that permitted development rights for both extensions and outbuildings to both the host property and the proposed dwelling are removed, such that planning permission would be required for any subsequent building work which could assess any additional impact on the openness of the Green Belt in this location. These are considered to amount to the very special circumstances to justify the inappropriate development in this instance.

Design, scale and appearance and impact on Gildingwells Conservation Area

The site is within Gildingwells Conservation Area and ‘saved’ UDP Policy ENV2.11 ‘Development in Conservation Areas’ states: “In respect of designated Conservation Areas, the Council:

- (i) will not permit development, demolition and work to trees which would adversely affect their architectural or historic character or visual amenity, except that very limited exceptions to this policy may be accepted when compelling justification exists.
- (ii) Will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character.”

Core Strategy Policy CS23 ‘Valuing the Historic Environment’ states that Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (amongst other things):

- (i) Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough's heritage assets, specifically those elements which contribute to the distinct identity of the borough.
- (ii) The historic grain of the town centre and historic village cores, including street layout and plot sizes.

In this respect the National Planning Policy Framework (NPPF) states at paragraph 132: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development

within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

Core Strategy CS28 ‘Sustainable Design’ requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, paragraph 56 of the NPPF states that: “Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.”

The proposed dwelling would be formed by extending an existing outbuilding on the site. However, it would be unrecognisable in appearance after the extensions to convert the building into a dwelling house are completed. The design of the proposed dwelling is contemporary in appearance with a largely flat sedum and zinc roof and large areas of glazing facing west overlooking the garden and open fields.

The proposed dwelling is of a unique design and is not vernacular in appearance other than the use of a locally sourced natural stone for the walls. The building would not match neighbouring properties in design terms or form. However, owing to the location of the dwelling it would not be readily visible within public views within the Conservation Area. The dwelling would not be readily visible from Woodsetts Road, being obscured by other dwellings and vegetation. There is a public footpath located approximately 400 metres to the west of the site and it is considered that the proposed dwelling would not be readily visible from it, particularly owing to its low profile.

It is noted that the design of the property would be completely different from any other dwellings in the Gildingwells Conservation Area, however, it is considered to be of a high quality design. The test for new developments in Conservation Areas is whether or not the development would preserve or enhance the designated heritage asset. In this instance it is considered that the design of the dwelling would enhance the character and appearance of Gildingwells Conservation Area though would at the same time have a fairly low visual impact upon it as it is not clearly visible within public views.

It is therefore considered that in spite of its highly contemporary design the proposed dwelling is acceptable in design terms, mainly on the basis that it would have very little visual impact on the Conservation Area though would at the same time provide a high quality designed new dwelling.

The dwelling would have a very long driveway that would wind its way through the site across the edge of a former paddock area. Whilst this is not ideal it is noted that the surfacing of the driveway would be grasscrete and therefore would not have a significantly urbanising impact on the surrounding area and is not considered to harm the Conservation Area or the rural nature of the surrounding area.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design which will comply with the general advice within the NPPF and Core Strategy Policies CS23 ‘Valuing the Historic Environment’ and CS28 ‘Sustainable Design’ along with UDP Policy ENV2.11 ‘Development in Conservation Areas.’

In terms of the impact on the Area of High Landscape Value, Policy ENV1.1 Development in Areas of High Landscape Value of the UDP states that: “In Areas of High Landscape Value, development other than for agriculture will only be allowed

where it will not result in a significant and permanent adverse impact on the landscape.” It is noted that the proposed dwelling would condense the volume on the site into a single dwelling of a high quality design. It is considered that as such, it would have a reduced impact on the Area of High Landscape Value and would not have a significant impact on the landscape in this built up location within the village.

Impact on neighbouring amenity

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should (amongst others):

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

‘Saved’ UDP Policy HG4.4 ‘Backland and Tandem Development’ is supplemented by ‘Saved’ Housing Guidance 3: Residential infill plots.” The Council’s inter-house spacing standards outlined within this Guidance indicate that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

The guidance goes on to state that “where there is potential for loss of amenity to the adjacent dwellings, the dwelling should be either single-storey with a double pitched roof or should only have rooms in the roof with roof lights.”

Furthermore the South Yorkshire Residential Design Guide (SYRDG) is considered to be of relevance in assessing the appropriateness of this development, in particular Chapter 4A, section A.1, paragraph A.1.1 states “Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses / bungalows should be at least 50 sq. metres; for three or more bedroom houses / bungalows, 60 sq. metres. Smaller gardens may be acceptable in corner zones or blocks if privacy and day lighting can be maintained.”

It is noted that the proposed dwelling would accord with the aforementioned distances and spacing standards and is considered that owing to the location of the proposed dwelling in relation to neighbouring properties, it would not appear overbearing or harm the outlook or overshadow neighbouring residents. Furthermore, it is considered that owing to the design of the dwelling it would not overlook neighbouring properties.

It is noted that the site is reasonably close to other residential properties and that neighbouring residents have raised concerns about noise and disturbance from the increased use of the access drive and that this would negatively impact on their residential amenity. Whilst this is noted it is considered that the level of traffic likely to be generated from a 3 bedroom dwelling would not be so great as to cause material harm to the amenity of neighbouring residents. It is further noted that neighbouring residents have raised concerns about the impact on the general peace and quiet of this rural area. Whilst this is noted it is considered that the dwelling is converting ancillary residential accommodation which can be used for residential purposes at the current time. Though it is accepted that the proposal is likely to increase the level of activity at

the site, it is considered that this would not lead to harm to neighbouring residents in terms of noise and disturbance to lead to any significant harm to their residential amenity.

As such, taking account of the above, it is considered that the proposed development would be in accordance with the advice contained in paragraph 17 of the NPPF and would not significantly harm the amenity of neighbouring occupants.

Highway safety

Turning to the issue of highway safety, it is noted that neighbouring residents have raised concerns about the proposed access in highway safety terms. However, the Council's Transportation Unit raise no objections to the proposals in highway safety terms subject to a recommended condition relating to the parking areas being suitably hard surfaced. It is noted that they raise no objections in terms of highway safety during the construction phase and as the proposal would use an existing access and only serve one additional dwelling it is very unlikely to create any harm to highway safety.

Other issues raised by objectors

A number of other issues were raised by objectors which included loss of value to neighbouring properties and concerns over the use of a shared driveway which they did not want the applicants to use. Whilst these are noted they are not material planning considerations and cannot be taken into account in the consideration of the application. However, the applicant has confirmed that they own the access road to the site in question.

It is noted that neighbouring residents have raised concerns that the applicant would be using the property for commercial purposes in relation to running a business from home. Whilst this is noted, the application is for residential development and that is all that is being considered as part of this application. The applicant has confirmed that the site would not be used for commercial purposes and if it was, at a level that constituted a material change of use, then this could be dealt with as an enforcement matter.

Concerns were raised by a neighbouring resident who thought that the applicant would not comply with conditions attached to any planning permission granted in this respect, as they have not previously adhered to conditions. Whilst this is noted there is no reason to assume that this will be the case. The neighbouring resident also raised concerns about a change of use from a workshop on the site to a summer house without planning permission. Whilst this is noted the accommodation was ancillary outbuildings and the change from a workshop to a summer house would not constitute a material change of use.

It is noted that a neighbouring resident raised concerns that they had not been consulted on the application by letter. This was an error and the neighbour was notified in writing to rectify this.

Concerns were raised about the impact on the septic tank at the site and whether it could cope with an additional dwelling. The applicants have responded to this and have stated that the applicant has recently installed a separate septic tank system which is designed to accommodate a 12 person capacity, therefore should not overload the neighbour's septic system.

It is noted that neighbouring residents raised concerns about the harm to wildlife and geology at the site. Whilst this is noted the land in question for the new dwelling is currently a private garden area and therefore the ecological impact of the development is likely to be very low and the type of buildings that would be demolished are very unlikely to contain bats. It is noted that a neighbouring resident raised concerns that no biodiversity enhancement measures are proposed as part of this application. This is noted. However, as the proposals are likely to have minimal impact on ecology in the locality it is not considered necessary or reasonable to mitigate any harm by way of biodiversity enhancement measures such as bat boxes on the property. In addition, concerns have been raised that the development would set a precedent for other similar developments though it is considered that the unique nature of this application would not set a precedent for similar developments within the locality, and in any event, each application has to be considered on its own merits.

It is noted that a neighbouring resident raised concerns about the impact of light pollution within the locality. Whilst this is noted it is considered that the site is currently in use as ancillary domestic buildings and any new additional dwelling in this location is unlikely to significantly increase light pollution at the site over and above the existing development. As such, it is considered that the development is unlikely to cause any harm in terms of light pollution within the locality.

Conclusion

In conclusion, whilst the extensions proposed to the existing building exceeds the 33% limit, there are very special circumstances in this instance to justify the inappropriate development, being the demolition of existing structures on site and the removal of permitted development rights.

It is considered that the siting and design of the property would not harm the outlook of neighbouring residents or lead to any overlooking. It is also considered that the development is acceptable in appearance and would not harm the character and appearance of the Gildingwells Conservation area owing to its design and private location, not being clearly visible from public views. Furthermore, it is considered to be acceptable in drainage, ecology and highway terms subject to the recommended conditions.

As such, Members are requested to grant planning permission in line with the recommendations in this report.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers, (PL) 001Rev PL3)(Received 18/09/2017) (PL) 005 Rev D/(PL) 006 Rev A / (PL) 007 Rev A)(Received 05/09/2017)

Reason

To define the permission and for the avoidance of doubt.

03

Before the development is brought into use, the access track and parking/turning areas shall be constructed with grasscrete, unless otherwise agreed in writing with the Local Planning Authority, and shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that the dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment', and to reduce the impact on the character and appearance of the Green Belt in accordance with Core Strategy Policy CS4 'Green Belt.'

04

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

05

No development above ground level relating to the construction of the extensions shall take place until details of the external materials to be used in its construction have been submitted or samples of the materials left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

06

Prior to the occupation of the dwelling hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority of. The approved boundary treatments shall be completed before the dwelling is first occupied and shall thereafter be retained and maintained for the lifetime of the development.

Reason

In the interests of the visual amenity and to prevent overlooking in accordance with Core Strategy Policies CS21 'Landscaping,' and CS28 'Sustainable Design,' and the advice within the NPPF.

07

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or enlargements shall be made to the property hereby approved and no outbuildings shall be constructed within its defined garden area without the written consent of the Local Planning Authority.

Reason

To protect the openness of the Green Belt in accordance with Core Strategy Policy CS4 'Green Belts'.

09

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or enlargements shall be constructed to the property known as Newcroft, 19 Woodsetts Road, and no outbuildings shall be constructed within its newly defined garden area without the written consent of the Local Planning Authority.

Reason

To protect the openness of the Green Belt in accordance with Core Strategy Policy CS4 'Green Belts'.

Informatives

01

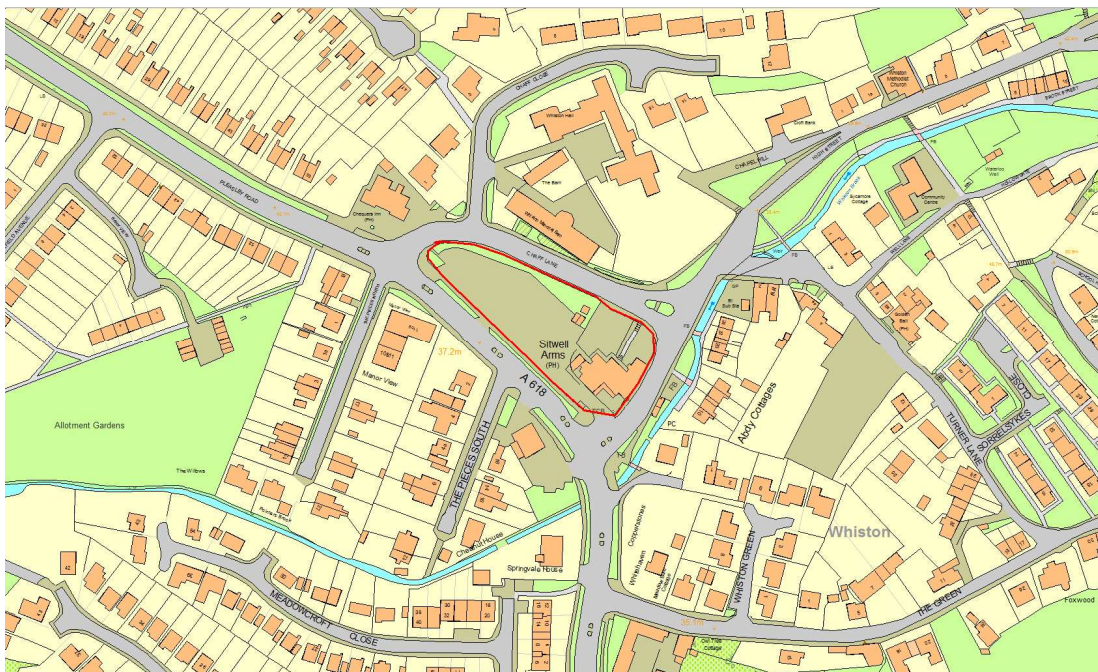
You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure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

consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2017/0634
Proposal and Location	New container bar in existing rear beer garden, new patio areas with beach huts, timber fencing, jambrollies, steps & planters and bin store in existing car park area at Sitwell Arms Public House, Pleasley Road Whiston,
Recommendation	Grant subject to conditions



The application is being reported to Planning Board due to the number of objections received.

Site Description & Location

The application site is a Public House situated on Pleasley Road in a prominent and elevated position on the corner with High Street and falls within Whiston Conservation Area. The site consists of a large car park to the north-west section of the site, a garden area to the north of the site and the main Public House building located in the south east corner.

Background

The site has previously benefited from numerous planning permissions, the most recent of which are detailed below;

RB2016/1558 – Six weeks notice of Intent to fell 2 Sycamore Trees – NO OBJECTIONS

RB2016/1096 – Six weeks notice to fell / prune various trees – NO OBJECTIONS

RB2016/0651 – Application to fell 1 Oak and 1 Sycamore Tree and prune 1 Horse Chestnut Tree – PART GRANT PART REFUSED

RB2015/1485 – Six weeks notice to fell / prune various trees – NO OBJECTIONS

RB2013/0378 – Display various illuminated and non illuminated signs – PART GRANT PART REFUSED

RB2012/1309 – Installation of extraction flue – GRANTED CONDITIONALLY

RB2007/0452 - Erection of timber framed gazebo – GRANTED CONDITIONALLY

RB2003/0511 - Retrospective application to fell a plum tree and prune a horse chestnut tree protected by RMBC Tree Preservation Order No1 1976 – GRANTED CONDITIONALLY

RB1993/1128 – Display of various illuminated signs - GRANTED

Proposal

The applicant seeks planning permission for a container bar 2.65m high x 2.4m wide x 6.05m in length. The applicant has agreed to cladding the container in timber however at present the details of this are yet to be submitted and would be dealt with by way of condition. The container would be located in the existing rear beer garden area directly adjacent to the main building itself. In addition, the proposals include new patio areas with 6 'beach huts,' each measuring 3m in length and 2.6m in height, the siting of 6 'jambrollies', timber fencing up to 2m in height, steps & planters, and a bin store in the existing car park area. Parts of the new patio areas would be raised up above existing ground levels but only by a maximum of 0.5m to provide a level surface on the sloping application site.

Following consultation with the agent the description of the application was changed to remove a storage container that was to be located in the car park. The layout plan was also amended to relocate the proposed container bar away from the boundary of the site with High Street.

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 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy).

The application site is located within a residential area as defined in the adopted Unitary Development Plan (UDP). In addition the application site falls within Whiston Conservation Area. The proposed development has been assessed against the following UDP Policies:

Relevant saved' Unitary Development Plan Policies are:

ENV2.8 'Settings and Curtilages of Listed Buildings'
ENV2.11 'Development in Conservation Areas'
ENV3.7 'Control of Pollution'

Core Strategy Policies:

CS23 – Valuing the Historic Environment
CS27 – Community Health and safety
CS28 – Sustainable Design
CS29 – Community and Social Facilities

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances 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 Core Strategy/Unitary Development Plan policy(s) 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 letters to neighbouring properties immediately adjacent the site. In addition a site notice has been displayed outside the premises and the application advertised in the local press due to the proposal falling within the Whiston Conservation Area.

In respect of the original plans, objections have been received from the occupiers of 7 nearby residential properties, as well as from the Jet Petrol Station across Pleasley Road, and from Whiston Parish Council.

The comments received can be summarised as follows:

- Container is unsightly and not in keeping with the conservation area

- Containers are out of keeping with existing architecture of the pub and the Manorial Barn
- Residents views are blocked by the two metal containers
- In appropriate design and materials for the storage container and the outside bar
- Affects important views
- Containers affect Manorial Barn (listed building) and do not respect the village setting
- Negative impact on historic houses and does not enhance the village core
- Containers do not represent high quality, appropriate built form in a Conservation Area
- Considers any comments superfluous as the application is retrospective
- Privacy lost due to cutting of trees increasing noise levels which will increase with an outside bar
- The appearance of the containers are at odds with local heritage
- Increases in noise pollution
- Increased parking in residential areas
- Aesthetics of both containers and beech huts is unsympathetic to heritage of village
- Landscaping to be ignored
- External bar area looks directly into properties on High Street
- Trees have been removed without consent to accommodate the outside bar

Whiston Parish Council objects in respect of the unsightly nature of the shipping containers on the site.

Following the amendments to the proposals, (comprising of the movement of the proposed container bar and the removal of the storage container on the car park area) the application was re advertised by way of letters to neighbouring properties and objectors. Two further letters of objection have been received from nearby residents which re-iterate the original concerns.

At the time of writing the report, no Right to Speak requests have been received.

Consultations

RMBC (Neighbourhoods): No objections subject to an informative being added to any permission advising that steps should be taken by the applicant to avoid any potential noise nuisance.

RMBC (Transportation Unit): 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.

In order to determine whether this proposal is acceptable or not the development shall be assessed against the requirements of the relevant Core Strategy and UDP policies in addition to the aims and objectives of the NPPF and NPPG. The following are considered to be the main issues:

- Principal of the development
- Design issues and impact on the character and appearance of the building, the Whiston Conservation Area, and the setting of the Grade II Manorial Barn.
- Impact on the residential amenity of the adjacent properties
- Other matters raised by objectors

Principal of the development

The application relates to the provision of an outside bar in an existing rear beer garden, new patio areas with beach huts, timber fencing, jambrollies, steps & planters and a bin store in the existing car park.

The NPPF at paragraph 19 states: “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Furthermore the NPPF at paragraph 70 states that “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;”

The area to the rear of the pub has for many years been used as a beer garden and is licenced for the selling of alcohol. The area consists of a mix of paved areas, planting, seating and tables being provided for the use of customers. In light of the requirements of the above policies, the principal of an outside bar in the beer garden and new patio areas with beach huts is considered to be acceptable in principle.

Design issues and impact on the character and appearance of the building, the Whiston Conservation Area, and the setting of the Grade II Manorial Barn

With regard to the design of the proposal, Core Strategy Policy CS28 ‘Sustainable Design’ advises 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.”

The NPPF notes at paragraph 56 that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 64 adds that: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

Core Strategy Policy CS23 ‘Valuing the Historic Environment,’ states (amongst other things) that “Rotherham’s historic environment will be conserved, enhanced and managed.”

UDP Policy ENV2.11 ‘Development in Conservation Areas’ indicates that the Council will not permit development which would adversely affect their architectural or historic character or visual amenity and “the Council will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character”.

In respect of the impact of developments on the historic environment, the NPPF (Paragraph 129) states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal. Paragraph 132 further states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”

UDP Policy ENV2.8 “Settings and Curtilages of Listed Buildings” indicates that the Council will resist development proposals which detrimentally affect the setting of a listed building.

The application site is situated off Pleasley Road in a prominent position on the corner with High Street and falls within Whiston Conservation Area. The site consists of a large car park to the north-West section of the site. The garden area is in an elevated position as viewed from the High Street to the east and Chaff Lane to the north.

The initial proposal included two industrial type storage containers 2.65m high x 2.4m wide x 6.05m in length. One of the containers was to be situated within the car parking area of the pub and to be used for storage. The second container was to be used as an outside bar and was to be located on the eastern boundary of the site abutting High Street. After negotiation with the agent the container in the car park has been removed from the application and the outside bar has been relocated away from the High Street

boundary, further into the beer garden, and will sit directly behind the pub, facing north into the beer garden.

Neighbouring objections relate to the industrial appearance of the containers being unsightly, not in keeping with the Conservation Area, out of keeping with the existing architecture of the pub and the Grade II Listed Manorial Barn, and not of an appropriate design and materials. The proposed storage container in the car park area has been removed from the proposal. In respect of the container bar it is acknowledged that it is not an attractive feature of high quality architecture. However, the proposed re-siting of the bar to the north west corner of the public house will serve to mitigate against these issues and would ensure the only view of the container would be from within the beer garden. The rear of the container would sit flush with the north elevation of the pub and could not therefore be seen. The applicant has also agreed to screen planting to the western elevation of the container bar and this would need to be controlled through the imposition of a planning condition to ensure that an appropriate screen is achieved and maintained. Additional planting could also be required through condition along the High Street boundary to reduce the likelihood of the container being seen from the High Street and would also mitigate against any loss of residential amenity through noise. To further ensure the container bar is responsive to its context and provides an attractive feature of the beer garden, the applicant has agreed to timber cladding of the whole container, the details of which are yet to be submitted and can be agreed through the imposition of a planning condition prior to the siting of the container bar in its proposed location.

The proposed location of the bar now sits approximately 14m from the northern boundary of the site and 17m away from the eastern boundary with the High Street. There are a number of large mature trees along the northern boundary of the site and also situated within the site between the container bar and the High Street boundary. Furthermore the container bar will sit directly against the pub but obscured from view of the High Street by the varying elevations of the rear of the pub. It is not considered that it would affect the setting of the Grade II listed Manorial Barn in its revised location.

It is considered for these reasons that the container bar would not adversely affect the architectural or historic character or visual amenity of the public house or the surrounding area

It is not considered that the proposed new patio areas, timber fencing, jambrollies, steps and planters require Planning Permission in their own right. However, they have been included as part of the proposal and appear to be of a good quality design, will serve to improve the character and quality of the beer garden area and will sit well with both the architectural features of the public house and the beer garden its self.

The proposed 6 beach huts are of timber construction, 3m in length and 2.6m in height, they are to be stained different colours and would contain a table and chairs for the use of customers during the opening hours of the public house. They are to be located on the western edge of the beer garden each to be offset and angled against the adjacent huts. It is considered the huts are of a good quality design and that both the design and the siting of each of the huts will add character and serve to improve the appearance of the beer garden and will therefore accord with the requirements of the above policies. It is not considered that they would affect the setting of the Grade II listed Manorial Barn, only being visible in the context of the Barn within the beer garden area itself.

The bin store will comprise of 1.8m high timber fencing to the side of an existing garage to the north of the car parking area. The fencing could be erected under permitted development rights but has been included in the proposal and will hide the prominence of the trade waste bins from both within the site and the wider area. For this reason it is considered that the proposed bin store is acceptable in this case.

In view of the above it is not considered that the proposed development would impact on the character and appearance of the Conservation Area or on the nearby Listed Building and that the relevant Policies referred to above are complied with.

Impact on neighbouring amenity

With regard to residential amenity issues, 'saved' UDP Policy ENV3.7 'Control of Pollution,' states that "The Council in consultation with other appropriate agencies will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport."

Core Strategy policy CS27 'Community Health and safety' notes that "Noise and vibration can be a serious cause of nuisance and can affect quality of life. Planning can make sure that potential noise creating uses, including industrial processes or some recreational activities, are not in places where they would be likely to cause nuisance."

The NPPF further notes at paragraph 123 that: "Planning ... decisions should aim (amongst others) to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development."

The NPPG states that "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."

Whilst it is acknowledged that the proposed use of the outside bar may result in an increase in noise levels due to more people using the outside area, it should be noted that this area is already in use as an outdoor drinking area with seating areas located immediately on the boundary with the High Street at the closest point to the residential properties. The amended proposals have moved the outside bar away from the High Street boundary to the north west corner of the pub further away from the residential properties. The High Street end of the beer garden will remain unchanged with seating for customers.

The NPPG advises that the adverse effect of noise can be mitigated by using planning conditions/obligations to restrict activities allowed on the site at certain times. Whilst a premises licence has been issued under the Licencing Act allowing the sales of alcohol from the container bar, the hours of opening have been restricted under the provisions of this licence. The imposition of a planning condition restricting the hours of opening of the proposed external bar so as to align with the premise licence would mitigate against any effects of noise at unsocial hours. The Council's Neighbourhoods (Environmental Health) have no objections to the proposals, subject to an informative advising the applicant of mitigating against potential noise issues.

The proposed beach huts are only to be used by customers during the opening hours of the public house and are to be located at the furthest point in the beer garden away from the residential properties on High Street. There is no indication that the use of the huts will result in any loss of residential amenity to local residents and RMBC (Neighbourhoods) have made no objection on this basis.

Concerns have been raised that the proposed bar area looks directly into properties on High Street. Whilst the initial proposal was for the bar to be located adjacent the High Street boundary, it is proposed that the bar now be located further into the site on the north west corner of the pub. The bar will face northwards into the beer garden, away from High Street and for this reason it is considered that overlooking will not be an issue.

It is considered therefore that the proposal will not have any adverse impact on residential amenity and accords with national and local policy.

Other matters

A neighbouring concern is that any comments they make are superfluous as the application is retrospective. This is not material to the determination of the application, which has to be considered on its own merits. In any event, elements of the works that have taken place, such as the siting of the outside bar, have subsequently been amended since the application was submitted.

Neighbours are concerned that privacy has been lost due to the unauthorised cutting of trees within the site increasing noise levels from the outside bar. The site falls within the Whiston Area Conservation Area and some of the trees are protected by way of a TPO (No. 1 1976) consent is therefore required to prune or remove any trees. Four separate applications have been granted by the Council over the last two years to both remove a number of trees and to carryout pruning work. There is no evidence to suggest any unauthorised works have been carried out to accommodate the siting of the bar, which in any event is now proposed to be moved to a different location on the site. Whilst the removal of trees may contribute to increased noise levels at adjacent properties residential amenity issues have been considered in terms of the trees presently on site.

Concerns have been raised regarding the potential for increased parking in residential areas due to increased customer levels. The premises benefit from a large onsite car parking area and there is no evidence to suggest the proposal will result in any such issues. The Councils Transportation Unit have been consulted on the application and have raised no objections on this basis.

It is considered by neighbours that Landscaping has been ignored in the proposals. The outside area of the pub is set within established and mature gardens with well-established trees and planting in evidence and in addition the proposals include the addition of a number of planters throughout the site. However, it is proposed to screen the western side of the outside bar area with planting but no details of this have been received as part of the proposal. A planning condition will be necessary to ensure adequate planting at this location takes place to ensure that the container is adequately screened from the western side of the site.

Neighbours are concerned that views have been blocked by the proposed containers. However, after negotiation with the agent the container in the car park has been removed from the application and the outside bar has been relocated away from the High Street boundary further into the beer garden into a less prominent position and will now sit directly behind the pub. It is not considered that the container will now be visible from any of the surrounding areas outside of the site and for this reason would not impact on any important views.

Conclusion

In conclusion, the provision of an outside bar in the beer garden, new patio areas, beach huts, timber fencing, steps & planters will ensure that the public house is able to modernise and attract trade in a way that is sustainable for the benefit of the community. The provision of these facilities would not be detrimental to either the visual appearance of the locality and would not result in any significant increase in the current level of noise and activity in the area. The application is therefore recommend for approval subject to the following recommended conditions.

Conditions

01

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

Reason

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

02

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

Proposed External Scheme (Drawing number 08) (received 22 August 2017)

Proposed Site Plan (Drawing number 01) (received 22 August 2017)

Proposed Brollies (Drawing number 01) (received 11 May 2017)

Elevations (Drawing number 01) (received 04 May 2017)

Proposed Bin Store (Drawing number 12) (received 26 Sep 2017)

Proposed Container Bar (Drawing number 06) (received 24 Apr 2017)

Reason

To define the permission and for the avoidance of doubt.

03

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

04

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and the details have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design and UDP Policy ENV2.11 'Development in Conservation Areas'.

05

The external bar hereby permitted shall only be open to customers or for deliveries between the hours of 1000 – 0000 on Sunday to Wednesday and 1000 – 0100 Thursday to Saturday.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

INFORMATIVE

Please note that the Council's Community Protection Unit (Environmental Health) have a legal duty to investigate any complaints about noise. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to any steps that may be required to prevent a noise nuisance from being created.

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	RB2017/1087
Proposal and Location	Two storey side & first floor extension and single storey rear extension at Madrasah Raza-E-Mustafa & Cultural Centre, 158 Broom Lane, Broom
Recommendation	Grant subject to conditions



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

Site Description & Location

The application site is located within an established residential area in Broom and is accessed off Broom Lane, a classified road which is also a bus and cycle route connecting Whiston, Brecks, Wickersley and the town centre.

The site area is approximately 495m², it comprises of a single storey flat roof building which has been used as a mosque and madrasah for a number of years following a permitted change from the previous use as a health centre. The footprint of the building is approximately 220m² and is of irregular shape.

There are approximately 7 on-site parking spaces located to the front of the building and the site operates a one way system with two vehicular accesses.

To the south (side) of the site is Broom Lane Care Home which comprises of a large two storey building adjacent to the site boundary. To the north of the site is a pair of semi-detached properties which are of same architectural style as other semi-detached properties in the immediate area. To the west of the site is the grassed area of Sitwell Junior School.

Background

RB1996/0608 – Alterations to form interview and office accommodation –
Granted conditionally

RB2002/1044 – Widening of existing vehicular access – Granted

RB2016/1015 – First floor extension and single storey rear extension –
Withdrawn

The proposed development is not Community Infrastructure Levy (CIL) liable.

The proposal has been revised from one that which was considered under RB2016/1015. The amendments to that scheme can be summarised as follows:

- The single storey rear extension has been omitted
- The first floor is dedicated for a madrasah use only
- A Planning Statement and Neighbour Consultation Statement has been submitted to support the application

Proposal

It is proposed to extend the existing building including a new first floor level creating a more balanced design leaving a 1.2m pathway adjacent to the side boundary which is shared with the Broom Lane Care Home. There are minor extensions to the front and rear of the building however they do not protrude further than the current building line. The new total floorspace at the ground floor level is approximately 290m² which includes a main entrance, ablution area, prayer hall, kitchen and dining area.

The proposed first floor extension is of a much smaller footprint than the ground floor and does not project above the proposed kitchen / dining area. Part of the first floor extension is set away from the side boundary which is shared with No.156 Broom Lane. It is also proposed to create a small cantilevered structure adjacent to the side boundary with Broom Lane Care Home. The floorspace of the first floor extension is approximately 200m² and it is to be used as a classroom only.

The overall proposal would result in a floorspace of 490m² which is an increase of 270m² from the existing floorspace.

The building fronting Broom Lane would be covered with a hipped roof whilst the rest of building would be flat roof only. The height of the hipped roof would match with the adjacent property at 156 Broom Lane.

The reason put forward for the proposed extension is to create a separate teaching area from the prayer hall and to improve the general facilities of the centre to include improved ablution and toilet facilities. A Planning Statement has been submitted and is summarised as following:

Educational Use

- The main focus for the extension is to provide education for children

- The proposed first floor classroom will allow the use of tables and chairs and improve the facilities such as computer stations, cloak room cupboard and book shelves. The applicant aims to meet the high standard OFSTED recommended classroom stated in 'DLA Guide to a Fantastic Environment'
- The madrasah currently has appropriately 100 students aged 7-14 and is split into two classes, there is no intention to increase the number of students.
- The existing building is closed from 23:15-04:00 with first morning prayer (15 mins) taking place at sunrise. The building is rarely used between first prayer and 13:30 unless there is morning class or school visits.

The use of Prayer Room

- During the prayer time, all other rooms in the Madrasah would be empty.
- The existing prayer area (including prayer hall and other rooms) is 122m² and the proposed prayer hall is 120m².
- A list of mosques within 5 miles radius are listed in the statement
- There are 5 prayers over the course of the day and last about 15-30mins.

Traffic consideration

- Majority of people using the building reside within walking distance hence the traffic generation is limited
- There will be no additional services provided
- There is an arrangement for the congregation to use the Broom Lane Methodist Church car park for Friday prayer
- 20 additional parking spaces are available from local residents driveway
- The parking provision on the basis of the prayer hall floorspace is equivalent to a ration of 1 to 17m²

A Neighbour Consultation Statement has been submitted detailing the outcome of the consultation, comments received and proposed mitigation measures.

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 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'Residential Use' purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14	'Accessible Places and Managing Demand for Travel'
CS28	'Sustainable Design'
CS29	'Community and Social Facilities'
CS33	'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG1	'Existing Housing Area'
CR1	'Community and Social Provision'
ENV3.7	'Control of Pollution'

The Rotherham Local Plan Publication Sites and Policies - September 2015:

SP12	'Development in Residential Areas'
SP29	'Sustainable Transport for Development'
SP55	'Pollution Control'
SP58	'Design Principles'

Other Material Considerations

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

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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 Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy. The weight given to these policies is dependent on the comments received from the Inspector in relation to each specific Policy following the Examination in Public.

Publicity

The application has been advertised by way of 3 site notices along with individual notification letters to the immediate adjacent residential properties.

68 representations (including Councillor Simpson) have been received (7 of which are from the same address) objecting to the proposals and the comments are summarised below:

The use of building

- disturbances during unsociable hours to local residents and those in the Broom Lane Nursing Home from people and cars leaving the site
- the use of the building should not be allowed beyond 11pm to minimise noise disturbance
- relocation of the centre to a more appropriate area should be considered if the existing facility does not meet the current demand
- the prayer area should be removed from the scheme or reduced in size
- there is already several community facilities available on Broom Lane
- the building is currently being used as a mosque as well as madrasah
- the use of the site intensifies during the period of Ramadan

- the use of the site is 24 hours 7 days, different from church, shops or clinics
- the earliest prayer starts at 4:15am which causes disturbance

Highways

- on-site parking provision is inadequate and is already not fit for purpose. Broom Lane Nursing Home had to supply 40 parking spaces and the site only has 7 parking spaces
- the proposal does not create any new parking areas
- more cars will access the site if the extension is built
- cars waiting to get in and out of the site cause a back log of traffic and may result in accidents and blocking entrance to the medical centre
- the offer for the use of Methodist Church car park is not a legal agreement and barriers are now in place at night
- Fridays, meetings and religious events result in the worst parking issues
- double yellow lines all the way down Broom Lane or the centre should be made to fund a residential only parking scheme should be considered
- cars parked over cycle lanes causing danger to cyclist
- the increased volume of traffic will clash with the school on Grange Road and the Methodist Church and Broom Lane Nursing Home which require emergency access
- parking issues extended to minor streets (Stag Lane, Stag Crescent, Maynard Road, Renishaw Avenue)
- Broom Lane serves different bus routes and is a major link road
- The amount of car parking including double parking on Broom Lane restricted pedestrian access
- No Transport Assessment or Travel Plan has been submitted as part of the application

Others

- comments being made in the previous application should also be considered in this application
- concern relating to the building being used for other functions and events
- increase pollution from traffic
- external factors such as weather conditions should be considered (e.g heavier traffic on rainy days)
- residents pay a premium to live in the area through property prices and Council tax, they should not have to endure unnecessary disturbance
- What is the limit of people in building to meet the fire regulations?

69 representations (including Sir K.Barron MP) have been received (13 from the same addresses) in support to the proposal and the comments are summarised below:

The use of building

- the scheme would provide additional space to safeguarding children and create a high standard learning environment
- the new ablution facilities will benefit disabled attendants
- having a separate prayer and teaching area will reduce the need to clear away and reset between classes
- the centre provides a variety of services to the local community including groups and activates for youths and the elderly and supports a number of charities

Highways

- local residents have offered their driveways to Friday prayer attendants
- the expansion would be beneficial and meet the needs of the community as a place of worship and as a madrasah
- there are no issues coming in or out of the driveway
- there is a steward provided to manage the traffic
- majority of attendants travel on foot, parents dropping off or collecting their children do not park for long periods and do not hold up traffic
- there is an additional 20 car parking spaces available during the busiest times
- the church car park is only needed during Friday prayer and does not affect the church or nursery
- the doctor surgery on Broom Lane also has a lack of parking (8 spaces to share with café and convenience store) and parking should not be seen as an issue in this proposal
- buses are able to pass safely even if cars are parked on both sides of Broom Lane

Others

- the design of the building is in keeping with the area
- the major of traffic issue are generated by Sitwell School

An additional 32 representations were received anonymously or via email with no additional details. Whilst only limited weight would be given to considering these representations, there are no additional points raised beyond those stated above.

Photos have been supplied in some of the representations.

Both the applicant and 7 objectors have requested the right to speak at the meeting.

Consultations

RMBC - Transportation and Highways Design: Raise no objections to the proposal subject to planning conditions on car park layout, travel plans and restricted use of the building

RMBC - Environmental Health: Raise no objections to the proposals

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 issues to take into consideration in the determination of the application are –

- The principle of the development;

- The appearance of the building;
- Impact on neighbouring properties;
- Transportation issues;
- Other issues

Principle of development

With regards to the principle of the development, the application site is located within an established residential area which is allocated for residential purposes within the adopted UDP. Policy HG1 'Existing Housing Area' states that: "The Council will ensure that predominantly residential areas are retained primarily for residential use by permitted only those proposals which i) have no adverse effect on the character of the area or on residential amenity, ii) are in keeping with the character of the area in terms of scale, layout and intensity of use, iii) make adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development, or are ancillary to the residential nature and function of the area and which also satisfy the above requirement."

In addition, the site is identified as a site for Residential Use within the Sites and Policies Publication document Sites and Policies SP12 states that non-residential uses are normally only permitted where they: 'a) Are ancillary and complementary to the residential nature and function of the area; and b) Are no larger than is required to meet the needs of local residents; and c) Will not have an unacceptable impact on the residential amenity of the area; and d) Demonstrate how they will be of benefit to the health and well-being of the local population.'

Broom Lane comprises of various uses with a local centre adjacent to Worrygoose Lane roundabout and another local centre (including clinic and post office) adjacent to the junction with Beaconsfield Road. Furthermore, the application site is adjacent to a nursing home with Broom Methodist Church on the opposite side of Broom Lane.

Although the site is allocated for residential purposes and is located within a residential area, the site has been used to provide community services that fall under the use class D1 (non-residential institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended) for at least 20 years, previously housing a health centre and an education and support centre. The existing use of the site as a mosque, madrasah and community centre falls within the same use class (D1) and there is no proposed change of use as part of this application.

Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development' states that "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area."

Both UDP Policy CR1 'Community and Social Provision' and Core Strategy Policy CS29 'Community and Social Facilities' indicates that the Council will support the retention, provision and enhancement of a range of community and social facilities in a sustainable location which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities.

The purpose of the proposed extension is to improve the usable space at ground level and improve the overall facilities of the building with the proposed first floor extension.

The existing situation means that the current prayer hall has to be reconfigured after each prayer session so that it can be used as a Madrassah which then has to be cleared away at the end of each session so that it can be used for prayers again. The extension at first floor is needed to overcome this issue and would be used as a classroom only enabling the teaching of children separate from the ground floor prayer hall. The applicant refers to the 'DLA's Guide to a Fantastic Learning Environment' document as an aspiration that the Madrasah aims to provide. It is considered that the proposal would improve the building as a community facility and would enhance the learning environment for students of the Madrasah, in accordance with the UDP Policy CR1 and Core Strategy Policy CS29 and is therefore acceptable in principle.

The appearance of the proposal

Core Strategy Policy CS28 'Sustainable Design' states 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.'

The NPPF notes at paragraph 56 that: 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' Paragraph 64 adds that: 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The National Planning Policy Guidance (March 2014), 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.'

Buildings on Broom Lane are predominantly brick built, 2 storey in height with hipped roofs, although there are a mixture of designs within the locality including some 3 storey flats and art deco styles houses.

The current building is flat roofed and single storey and occupies the majority of the plot in which it sits. The current design and materials are out of character with the area and the proposed redevelopment of the site will improve the overall visual appearance. The proposal would increase the ground floor area by providing small extensions to the side and provide a first floor extension over the front part of the building. It would be two storey in height with a hipped roof and sit comfortably between the adjacent properties with a ridge height broadly similar to the scale of the neighbouring properties.

The front elevation will be completely changed by the proposal and results in a building that is much more in scale and character to its surroundings. The design does incorporate window detailing that is not residential in character but this is not a dwellinghouse and the architectural detailing clearly distinguishes this as a community facility which would be expected to be found within established residential areas.

It is important that the materials to be used fit in with the surroundings and a condition is recommended to ensure that samples are submitted and approved before any construction work starts.

Taking account of this, the proposals are therefore considered to be in accordance with Policy CS28 'Sustainable Design' of the Core Strategy and the guidance set out within the NPPF and NPPG.

Impact on neighbouring properties

UDP Policy ENV3.7 'Control of Pollution,' states: 'The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which...is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place.'

The NPPF, at paragraph 17 states that: "within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. "Amongst these 12 principles, it further goes on to state that: "...planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

It is acknowledged that there is concern that the size of extension could result in more intensive use of the premises and generate a significant increase in parking demand.

Whilst the proposed extension would increase the floorspace of the building, the applicants have stated that the purpose of this is not to provide additional space but to divide the two uses that currently share one space into two. As such, the first floor extension would be used as a classroom only and would not be used whilst the ground floor prayer hall is in use. This would be controlled by condition and would replicate the current situation so that there would not be any noticeable increase in the level of activity at the site.

Given that the existing use of the building does not have any restrictions on when it can be open, it is considered that it would not be appropriate to limit the opening hours for the use of the entire building. However, it is considered necessary to limit the times that the Madrassah can be used to ensure that there is no increase in the levels of noise currently experienced and it is recommended that the opening hours of the Madrasah be restricted to 08:00 – 23:00 on any day.

The prayer hall will increase in size but the applicant has stated that the current arrangement means that worshippers spill out into the adjacent meeting rooms and office area and as such are more of the building as prayer areas. The new prayer hall will allow all attendants to have sight of the Imam and as such the overall prayer area will not be increasing in size and will not result in any increased activity during prayer times.

The Council's Environmental Health Service note that the premises are located within a residential area and it is possible that the increase in capacity may in turn result in increased levels of noise as a result of vehicle movements, people arriving/departing etc. However, it is considered that this is not likely to be significant, especially given that the premises are located on a busy main road. It is acknowledged that there have been two complaints of nuisance relating to the site. One of these was received in July 2016 and the second dating back to 2014 however neither case was deemed to be a statutory nuisance that resulted in action.

It is acknowledged that two windows are proposed at first floor level on the side elevation of the building facing the nursing home. As these windows are not the primary windows and are only required to provide natural lighting to the room, it is considered that these windows should be fitted with obscure glazing and only openable at 1.7m above floor level to protect residential amenity from overlooking. This can be controlled by a recommended condition.

The proposed first floor extension does not come within the 45 degree line measured from the closest first floor habitable room window of the neighbouring property at 156 Broom Lane and is only to be covered with a flat roof. As such, it is not considered that the proposed extension would result in any adverse impact on the residential amenity by way of overbearing or overshadowing.

It is therefore considered that the proposed development would comply with the requirements of UDP Policy ENV3.7 and the NPPF.

Transportation issues

Policy CS14 'Accessible Places and Managing Demand for Travel' states that 'The Council will work with partners and stakeholders to focus transport investment on making places more accessible and on changing travel behaviour. Accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by...

- Set thresholds where existing and future employers and institutions will need to adopt Travel Plans or Area Travel Plans as part of a programme of sustainable transport promotion.
- The use of maximum parking standards for non-residential developments aimed at reducing the number of car trips to and from them.'

A Transport Statement and Transport Assessment are not required for the proposed development as it is an extension to the existing community facility (use class D1) and it does not exceed the threshold of 500m².

Educational facilities (schools) can generate significant vehicular activity and increased parking demand at the beginning and end of the school day. However, such activity is

usually short term and does not generally result in a severe impact throughout the day and this is not a traditional school as such. The Council's highway officers have visited the application site on a number of occasions and have not witnessed anything that would cause undue concern.

The applicant has stated that the nearby Methodist Church car park is available on Friday afternoons when demand is higher than any other day and a steward is on duty to manage traffic to/from the site at children's evening class times. Driveways at some local residences can be made available also at peak times. However, only limited weight can be attached to these initiatives as they are not within the application site and there is no legal agreement in place to ensure the future of these arrangements.

Nevertheless, the site is in a sustainable location and the nature of the use means that it is within a convenient walking distance for the majority of attendees. Measures to reduce car travel could be implemented as part of a formal Travel Plan and Traffic Management Plan safeguarded by a planning condition.

With appropriate and suitable planning conditions to control the use of the building it is considered that any additional activity within the site as a consequence of the development is unlikely to be material or result in a significant increase in parking demand. The cumulative highway impact of the development will not, therefore, be severe.

With this in mind it is worth noting that Government policy (National Planning Policy Framework) paragraph 32 states that "...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". As such, it is considered that a refusal of planning permission on highway ground would not be justified in this instance.

Concerns have been raised in relation to inappropriate on-street parking. However, the responsibility here lies upon the drivers to follow highway restrictions which are monitored by the Council's parking service and police.

The Council's Transportation Unit have considered the proposed development and have concluded that the proposal will not have an adverse impact on highway safety or the capacity of the local road network.

Other Issues

Whilst the application is a revised proposal to the previous withdrawn application, all applications are considered on their own merits and on the basis of the detail of the scheme and the level of information provided with it. This is a different proposal to that previously submitted and as such, representations made to the previous application cannot be given any weight in this recommendation.

Other issues such as weather conditions and Building Regulation matters are not material planning considerations and have also not been given any weight.

Conclusion

It is considered that the proposed extension and use of the site is acceptable in principle given that there is no change of use involved with this proposal.

The proposed extension is acceptable in terms of its appearance and would not result in any adverse impact on the surrounding area, and would not have an adverse impact on the amenity of the occupiers of neighbouring residential properties or on the surrounding highway network, subject to the recommended conditions.

It is therefore recommended that the application be granted subject to the conditions as set out below.

Conditions

General

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Location Plan, Existing Elevation and Floor Plan MS/090/15-01, Proposed Elevation and Floor Plan MS/090/15-02H) (Received 18/07/17) (Block Plan)(Received 19/09/2017)

Reason

To define the permission and for the avoidance of doubt.

03

The proposed first floor extension shall be used as a Madrasah only and shall only be used when the ground floor prayer hall is not in use.

Reason

In the interest of highway safety and the amenities of the occupiers of nearby dwellings in accordance with UDP Policy ENV3.7 'Control of Pollution'.

04

The use of the first floor of the building as a Madrasah hereby permitted shall only be used between the hours of 08:00 – 23:00 at any time.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

05

No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

06

The window(s) on the side elevation of the first floor extension facing Broom Lane Care Home shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

Highways

07

Before the development is brought into use the car parking area to the front of the building shall be provided and thereafter maintained for car parking.

Reason

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

08

Before the development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

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 **5, 7 and 8** 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 **5, 7 and 8** 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.'

Informatives

Control of working practices during construction phase

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

Encroachment over boundary

You have indicated on the application form, by completion of Certificate A on the certificate of ownership form, that nobody except the applicant was the owner of any part of the land to which the application relates. As such, no part of the building, including foundations or guttering, should project over the boundary of your property.

Surface water flooding

The Environment Agency's Risk of Flooding from Surface Water map indicates that there is a risk of surface water flooding to this property. It is recommended that flood resilient construction is considered for this extension. Further information about surface water flood risk and resilience can be obtained from the Environment Agency's website.

Surface water disposal has been stated to be by soakaways. Use of soakaways is dependent on the results of percolation tests and drainage will be subject to Building Regulations approval. There may also be insufficient room to site soakaways a minimum of 5m from buildings.

The applicant's attention is drawn to the fact that the existing combined public sewer is located under the proposed development. This sewer is the responsibility of Yorkshire Water Services. All permissions to connect, divert, or build over must be obtained from them before works commence on site.

POSITIVE AND PROACTIVE STATEMENT

During the determination of the application, the Local Planning Authority worked with the applicant to consider what additional information was necessary to make the scheme acceptable. The applicant agreed to provide the additional information and the scheme is in accordance with the principles of the National Planning Policy Framework.