

## PLANNING REGULATORY BOARD

**Date:- Thursday 22 September 2022**      **Venue:- Town Hall, The Crofts,  
Moorgate Street, Rotherham.  
S60 2TH**

**Time:- 9.00 a.m.**

Meetings of the Planning Board can all be viewed by live webcast by following this link:-  
<https://rotherham.public-i.tv/core/portal/home>

### 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 4)  
*(A form is attached and spares will be available at the meeting)*
5. Minutes of the previous meeting held on 11th August, 2022 (Pages 5 - 6)
6. Deferments/Site Visits (information attached) (Pages 7 - 8)
7. Development Proposals (Pages 9 - 67)
8. Updates
9. Date of next meeting - Thursday, 13th October, 2022 at 9.00 a.m. at the Town Hall

### Membership of the Planning Board 2022/23

Chair – Councillor Atkin  
Vice-Chair – Councillor Bird  
Councillors Andrews, Bacon, Burnett, Cowan, Elliott, Fisher, Havard, Keenan, Tarmey,  
Taylor and Wooding.

# Planning Regulatory Board 'Public Right To Speak'

## REGISTERING TO SPEAK

The Council has a "Right to Speak" policy, under which you may speak in the Planning Board meeting about an application. If you wish to do this, it is important that you complete a tear-off slip and return it with any written comments, within 21 days of the date of the notification letter back to the Planning Department.

Your comments will be made known to the Planning Board when it considers the application and you will be written to advising of the date and time of the Planning Board meeting to exercise your right to speak

If you wish to speak in the meeting, please try to arrive at the venue **ten minutes** before the meeting starts. The reception staff will direct you to the Council Chamber.

In the Council Chamber, please give your name to the Board clerk (who will have a checklist of names derived from the agenda). The clerk will direct you to the seating reserved for people who wish to speak.

The agenda is available online at least 5 days prior to the meeting, and a few copies will be made available at the meeting, so you can read the report relating to the application which concerns you and see where it comes in the agenda.

The **Council Chamber** is equipped with microphones and a hearing loop.

Take time to familiarise yourself with the layout of the Chamber and the procedure of the meeting, before 'your' application is reached.

Please note that applications can sometimes be withdrawn or deferred at short notice. **The Council will do its best to notify the public in advance**, but on occasions this may not be possible.

The meeting is being filmed for live or subsequent broadcast via the Council's website and can be found at:-

<https://rotherham.public-i.tv/core/portal/home>

If anyone present or members of the public in the public galleries do not wish to have their image captured they should make themselves known to Democratic Services before the start of the meeting.

## **YOUR RIGHT TO SPEAK**

The 'right to speak' applies equally to the applicant and to the general public.

You will be invited to speak by the Chairman at the correct interval.

Each speaker will be allowed three minutes to state his/her case. The applicant does not have a "right to reply" to the objector(s) comments.

Only planning related comments can be taken into consideration during the decision process.

## **CONDUCT OF COMMITTEE MEETINGS**

Speakers should not be allowed to engage in discussion with members of the Committee during public speaking or the Committee deliberations, to avoid any risk of accusation of bias or personal interest.

All attendees are reminded of the importance to remain calm, courteous and respectful during the meeting. Please refrain from shouting out and allow people to speak. Any person causing a disruption will be asked to leave the meeting.

**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 Governance Adviser prior to the meeting.

Signed:- .....

*(When you have completed this form, please hand it to the Governance Adviser.)*

**PLANNING BOARD**  
**11th August, 2022**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bacon, Bird, Burnett, Elliott, Fisher, Havard and Keenan.

Apologies for absence were received from Councillors Cowen and Taylor.

The webcast of the Planning Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

**113. EXCLUSION OF THE PRESS AND PUBLIC**

There were no items on the agenda to warrant exclusion of the press and public.

**114. MATTERS OF URGENCY**

There were no matters of urgency for consideration.

**115. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**116. MINUTES OF THE PREVIOUS MEETING HELD ON 21ST JULY, 2022**

**Resolved:-** That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 21<sup>st</sup> July, 2022, be approved as a correct record of the meeting.

**117. DEFERMENTS/SITE VISITS (INFORMATION ATTACHED)**

There were no site visits or deferments recommended.

**118. 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.

In accordance with the right to speak procedure, a number of people attended the meeting and spoke about the following application:-

- Demolition of 2 No. bungalows and erection of 8 No. flats at 2 Goose Lane, Wickersley for Habbin Ltd. (RB2021/0401)

Off Camera Speaker (Objector)

Mrs. L. Dagness (Objector)

Mrs. M. Godfrey (Objector)

Mr. J. Thompson (Objector)

Mrs. P. Wright (Objector)

Mrs. D. Stacey (Objector)

Statements were also read out on behalf of Mr. and Mrs. Evans, Mrs. Sanderson, Mrs. Hammerton and Mrs. Gross (Objectors).

(2) That the Planning Board declare that it was not favourably disposed towards application RB2021/0401 and that it be refused on the grounds that the proposed development, by reason of its combined scale, massing, siting and appearance would result in an excessive form of development that would appear dominant, disproportionate and visually intrusive within the immediate street scene and general character and appearance of the area. As such, the proposal would be contrary to Policies CS28 'Sustainable Design' and SP55 'Design Principles' of the adopted Local Plan, together with Policy GP1 'High Quality Design' contained within the Wickersley Neighbourhood Plan.

(3) That, application RB2022/0762 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

#### 119. **UPDATES**

There were no updates to report.

#### 120. **DATE OF NEXT MEETING**

**Resolved:-** That the next meeting of the Planning Board take place on Thursday, 1<sup>st</sup> September, 2022 at 9.00 a.m. at Rotherham Town Hall.

**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 Assistant Director of the 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 Assistant Director of Planning, Regeneration and Transport 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 Assistant Director of Planning, Regeneration and Transport.
- 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 Chair and Vice-Chair 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 Chair 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 22<sup>ND</sup> SEPTEMBER 2022**

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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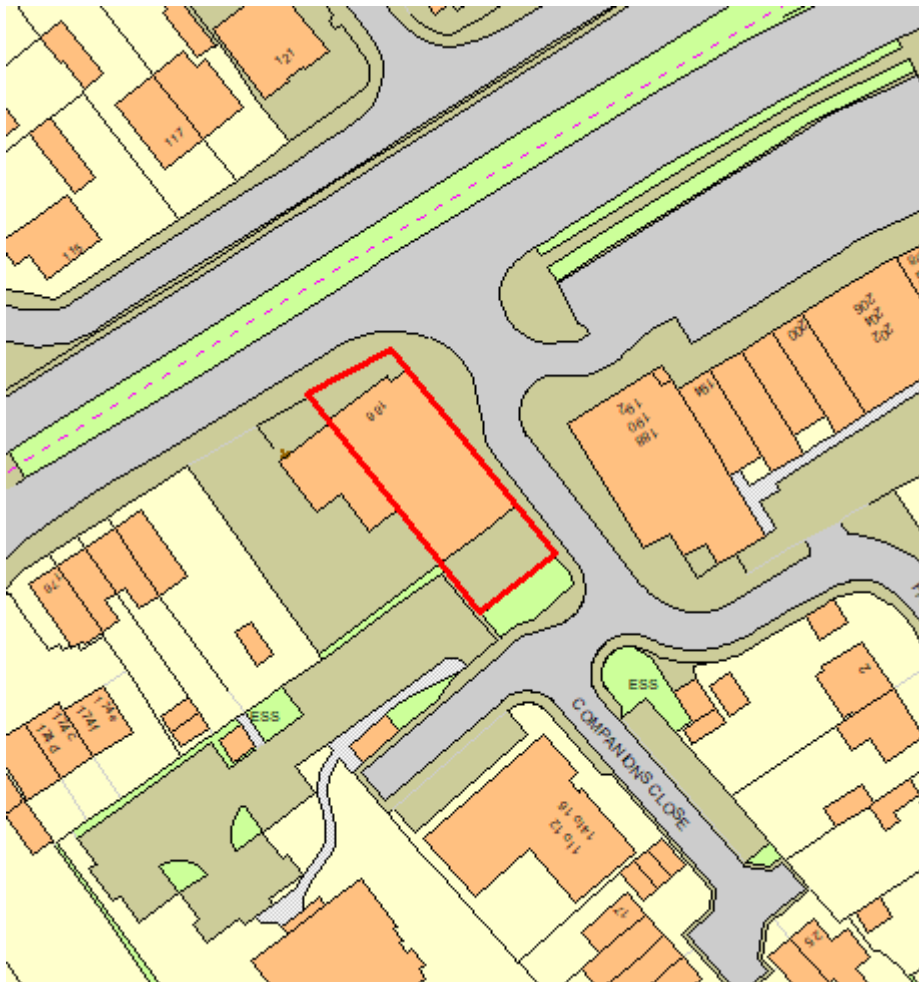
<b>RB2021/2130</b> Subdivision and change of use of building into a coffee shop (Use Class E) and hot food takeaway (Use Class Sui Generis), demolition of front extension and installation of new shop fronts with ramped access and external seating area to Bawtry Road at 186 Bawtry Road Wickersley	<b>Page 10</b>
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<b>RB2022/0777</b> Erection of a convenience store (Use Class E) adjacent to the existing public house (Sui Generis), utilising the existing access, with associated parking and landscaping, and reconfiguration of the public house car park, including additional parking area, The Squirrel 194 Laughton Road, Dinnington	<b>Page 50</b>

**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 22<sup>ND</sup> SEPTEMBER, 2022**

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

<b>Application Number</b>	RB2021/2130 <a href="https://rotherham.planportal.co.uk/?id=RB2021/2130">https://rotherham.planportal.co.uk/?id=RB2021/2130</a>
<b>Proposal and Location</b>	Subdivision and change of use of building into a coffee shop (Use Class E) and hot food takeaway (Use Class Sui Generis), demolition of front extension and installation of new shop fronts with ramped access and external seating area to Bawtry Road at 186 Bawtry Road Wickersley S66 1AG
<b>Recommendation</b>	Grant with conditions

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



**Site Description & Location**

The site to which this application relates comprises of an existing building which is mainly single storey, with a small first floor element central to the

building. The building is constructed from brick and has a commercial appearance. It is located across Fairways to the west of the Tanyard shopping centre and fronts Bawtry Road, with the Seven Seas fish and chip takeaway/restaurant located adjacent to the south west. The site also includes a small yard area to the rear of the building.

The immediate environment of the application site is predominantly retail in nature however there are residential properties to the rear on Fairways and Companions Close, across the dual carriageway on Bawtry Road and above some of the retail units on The Tanyard.

The site fronts the classified A631 Bawtry Road with the side elevation facing Fairways and the car park to the front of the Tanyard shopping centre.

## **Background**

There have been several applications relating to this site with regard to changing the use. The proposal is a variation from recent planning approvals:

- RB2018/0087 Demolition of existing 1st storey, erection of new 1st & 2nd storeys to create 4 No. apartments and subdivision of ground floor to create shop and café – Granted conditionally.
- RB2019/0495 Change of use of ground floor to café (Use Class A3) and upper floor into studio apartment (Use Class C3), demolish front extension and create shop fronts – Granted conditionally.
- RB2019/1038 Subdivision and change of use of ground floor into coffee shop (A1/A3) to rear and a restaurant with hot food takeaway (A3/A5) to front and upper floor into studio apartment, demolish front extension and create shop fronts – Granted conditionally.

There is also a current related advert application as yet undetermined which is also being presented to this Planning Board:

RB2021/2131 Display of. illuminated signs, and non-illuminated signs and 1 No. 6m high illuminated Totem sign.

The premises have been converted, partially under the planning permission granted in 2019 (RB2019/1038), though differences between the scheme approved and that currently operating have resulted in the submission of the current application to regularise matters. Following the opening of the take-away element the applicant was requested to temporarily shut until works to install bollards on the Bawtry Road frontage (as required by condition on the original permission to prevent unauthorised access and parking at the front) was commenced. The take-away closed temporarily and the bollards are now in place.

## Proposal

This application seeks full planning permission for the subdivision and change of use of the existing building to two units comprising a takeaway to the Bawtry Road frontage with a coffee shop to the rear area. (The application as originally submitted was for the subdivision into three units, this has now been amended to this proposal for two).

The proposal includes the demolition of the original front extension, the installation of new shop fronts to the Bawtry Road and Fairways elevations and a ramped access with small external seating area to the Bawtry Road frontage.

The ground floor is to be separated into two units, with the proposed change of use being one coffee shop (Class E(b)) approximately 176 Sq. metres in size and one takeaway (Sui Generis) approximately 134 sq. metres in size. These differ from the café and take-away previously approved under the 2019 permission in that the take-away element has slightly reduced in area and the coffee shop element increased.

The takeaway is indicated to have public access from the Bawtry Road elevation with the coffee shop being accessed from the Fairways frontage. A delivery window is proposed to the takeaway on the Bawtry Road elevation with service entrances to the front and rear running internally the length of the building.

The external alterations include a small area to the front positioned up to the back edge of the pavement to be partially enclosed by railings to create a small external seating area leading to the shop entrance with a separate access from the pavement to the delivery/collection window.

The proposal also includes a car parking area to the rear for 3 cars, with a bin storage area, and the provision of cycle stands on the Fairways frontage.

During the course of the application the shop front appearances have been altered by increasing the size of the windows to the side elevation

The proposed opening hours every day are proposed to be 0700hrs to 2300hrs.

A Planning Statement has been submitted in support of the application which states:

- Prior to the partially-completed development, there was a window and pedestrian and delivery doors to the Bawtry Road and Fairways elevations.
- The site is within the Wickersley District Centre, but not in a Primary or Secondary Frontage, and so would be permitted under Policies SP12 and CS19, but only subject to the criteria in Policy SP22 that no more than 10% of ground floor units would be hot food takeaways, no more than two Class A5 (take-away, now Sui Generis) uses would be

adjacent to each other and the use would not negatively impact on the amenity of surrounding businesses or residents.

- The proposal improves and re-uses one of the oldest buildings in the district centre in a way that would result in 20 jobs and increased footfall at this end of the centre. Compared to the previous permission, this proposal further reinforces the architectural form, pattern and logic of the original building by creating shopfronts within bays under the second storey and within the rear single storey elements of the building as read from Fairways, complying with Policy CS28 on distinctive features and SPD No. 6 (Shop Front Design Guide) on scale and proportion to the host property.

The applicant's agent has also provided further details with regard to the amended plans stating that:

- The car park has been re-designed to avoid conflict between deliveries and the bin store – the limited space there for cycle parking is poorly-overlooked and so provision has been made in the curtilage at the front (not in the public highway).
- The delivery window is located to allow direct access to the kitchen and keep movements away from residents. The delivery doors permit level access to each unit, albeit all deliveries that do not require level access are made from the rear.

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

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

The application site is allocated for Retail (District Centre) Use in the Local Plan, but is outside the Primary and Secondary shopping frontages. For the purposes of determining this application the following policies are considered to be of relevance:

#### Local Plan Policies

CS12 Managing Change in Rotherham's Retail and Service Centres

CS14 Accessible Places and Managing Demand for Travel

CS27 Community Health and Safety

CS28 Sustainable Design

SP19 Development within Town, District and Local Centres

SP22 Hot Foot Takeaways

SP26 Sustainable Transport for Development

SP52 Pollution Control

SP55 Design Principles

SP56 Car Parking Layout

SP59 Shop Front Design

Joint Waste Plan (2012) policy(s)  
WCS7 Managing Waste in All Developments

### **Other Material Considerations**

National Planning Practice Guidance (NPPG).

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

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

SPD 6 Shop Front Design Guide  
SPD 12 Transport Assessments, Travel Plans and Parking Standards

Wickersley Neighbourhood Plan

### **Publicity**

The original proposals for the subdivision of the building into 3 units along with the amended plans for the subdivision into 2 units have been advertised by way of site notices along with individual neighbour notification letters to adjacent properties and to objectors (in respect of the amended plans). Objections have been received from 11 different households along with 2 letters from Wickersley Parish Council and a petition containing comments from 26 residents of Companions Court. The representations can be summarised as follows:

Original Proposal:

- We have many cafes restaurants and takeaways most of which are small tasteful independent businesses. I find that the building conversion at the end of our road is to be a cheap tacky American fast food outlet (KFC) this is a step too far.
- Object in the strongest terms to the development of property at the end of my road into a KFC without consultation with us the residents. Express my deep disappointment in the lack of prior information & right to consultation.
- This will have significant effect on us due to extra delivery lorries & overflow parking not to mention the aesthetics of our village & the health concerns for our young people.
- Three fast food takeaways are totally out of character in Wickersley,
- 3 units with little to no parking is bound to have a negative impact to surrounding residential properties, many of which are occupied by the older generation, the amount of traffic and the noise nuisance which this will create is NOT acceptable.

- The takeaways are close to both Primary and Secondary schools, which I am sure contravenes Healthy and Equal Communities.
- The hours are much too long and will cause anti social behaviour in an area where there is a very elderly population.
- It seems to breach a number of the Council's policies, for example proximity to schools, percentage of takeaways in the area, and the Community impact arrangements.
- It is a bit late to put any objections in to planning permission, they have already started on the building. It's half done.
- Why was a dropped kerb permitted at KFC at Wickersley? Cars park on the pavement and have to reverse onto the Bawtry Road A631 which is illegal (there is no space for them to turn round). It is also very dangerous for pedestrians.
- Why was planning permission even granted and why was the place even allowed to open without safe, legal parking?
- Already suffer from overflow parking on Fairways.
- Litter as well is a concern.
- I live in one of 39 apartments housing over 60's most are now in 70/80/90's a lot with medical/care and mobility needs. We moved here to have peace and quiet on a village Wickersley not a small town!
- Access to our development for emergency services and care workers has been impacted already with double parking outside our car park at times it would be impossible for any large emergency services to get through. Also parking on pavements many residents use walkers and wheel chairs when cars mount the pavement they have to go out in to the road.
- Extractors on the side of the building impact front apartments with the smells from the Seven Seas what is it going to be like with another 5 or 6 extractors.

## Amended plans

- More than enough restaurants, cafes & takeaways In Wickersley & we really do not need any more, particularly of this kind (56 units of which approximately 27 sell food)
- Already problems with pavement blocked by delivery vehicles, customers vehicles and take-away delivery vehicles causing issues for wheelchair and electric scooter users.
- Increase in litter and smells
- Already high traffic/parking issues in area, lack of parking causing cars to regularly park on pavement and double yellow lines
- Limited area to front a seating area will impinge on pedestrians.
- The proposed area is already used extensively by vehicles being parked whilst people enter the premises to collect takeaway food, causing congestion and danger at an already busy junction.
- Yet more unsightly bins and potential for fat in sewage system
- There are lots of disabled residents on Companions Court and its already dangerous for pedestrians with cars and delivery vehicles blocking pavements.

## Parish Council comments:

- (Original application) This is an application for three fast food outlets which in themselves are not suited to the character of Wickersley as a good quality independent retail and service centre. Whilst planning permission has already been granted for one restaurant with hot food take away facilities on part of this site, the current proposal would significantly increase the intensity of such a use on the whole of this site and is entirely unacceptable.
- (Original proposal) Against planning policy in terms of number of fast food outlets adjacent to each other and no more than 10% of units trading as takeaways.
- (Original proposal) Impact on residential amenity from litter, cooking smells, parking issues, hours of operation and potential anti social behaviour.
- (Original proposal) contrary to policy being in close proximity to schools
- Inadequate parking provision
- Highway hazard from deliveries and customer deliveries with vehicles likely to stop on Bawtry Road despite parking restrictions.
- A large bin store fronting Fairways would be visually intrusive in the street scene
- The shop front designs and excessive level of advertisements on the property are completely out of keeping with the district centre.
- KFC has already opened without implementing the previously required highway works resulting in traffic chaos.
- Vehicles regularly parking on the double yellow lines along Fairways and Bawtry Road. Vehicles, including large delivery vehicles, are pulling up onto the forecourt and pavement on Bawtry Road causing safety issues for drivers and pedestrians.
- Unsuitability of this location for any take away facility because, even if mitigation measures are implemented, customers and delivery drivers will still park on the highway despite double yellow lines because of the lack of alternative provision in close proximity to the premises.
- Increased litter in area.
- The highway works required by the previously approved application have now been implemented but this has not improved the situation for the reasons anticipated in our previous response. Vehicles are now parking on the double yellow lines along Fairways and Bawtry Road, often very close to the junction as well as on the land on the opposite side of Fairways where the recycling bins were previously located. And, despite the presence of bollards, some vehicles are still managing to drive inside of them and parking on the footway.
- Given that the servicing door for the KFC unit is on the front of the building, the delivery vehicles have no choice but to park on Bawtry Road, thereby blocking one of the carriageways and requiring vehicles travelling at some speed to have to pull out into the outside lane to pass. This is a serious highway danger and an entirely unsatisfactory servicing arrangement given the level and speed of traffic on this major route. It is understood that this part of Bawtry Road is a clearway, such that vehicles should not be stopping at any time.



- The Parish Council would therefore request that the change of use application is refused in the interests of highway safety

One right to speak request from had been received from Wickersley Parish Council.

### **Consultations**

RMBC (Transportation Infrastructure Service) – Note that the applicant's agent has submitted revised plans which indicate the swept path of both a delivery vehicle and refuse lorry into the service area to the rear of the units. The path of these vehicles will require the existing dropped kerbing / vehicle access to the car park area to be extended to accommodate these manoeuvres.

They also note that a delivery service plan has been submitted indicating the method and frequency of servicing the two units. Subject to this plan being conditioned throughout the lifetime of the two units, then they have no objection to the granting of planning permission in a highway context subject to the recommended conditions.

RMBC (Environmental Health) – Note that there is potential for odour and noise nuisance to nearby residential properties on Bawtry Road, Fairways and Companions Close. They consider that the proposed odour abatement system if installed and maintained in accordance with the manufacturer's instructions should be sufficient in controlling the odour on nearby residential.

With regard to the external plant this is to be located on the external roof of the building. The rating noise level has been calculated to be 8 dB below the prevailing background sound level at the nearest noise sensitive receptor. This indicates 'Low Impact' when assessed with BS4142:2014 and 'No Observed Effect Level' ('NOEL') when assessed with the NPPF and Noise Policy Statement for England (NPSE). As such, no further mitigation is required.

RMBC (Drainage team) – 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 considerations in the determination of the application are:

- Principle of development
- The character and appearance of the host property and its setting in the streetscene
- Impact on residential amenity
- Highway issues
- Other issues raised by objectors

#### Principle of development

Policy CS12 'Managing Change in Rotherham's Retail and Service Centres', informs that Wickersley is classified as a District Centre, with the on-going strategy being to maintain the range of retail and service provision, and to improve the convenience retail provision.

The principle of the change of use of this building to a coffee shop and takeaway use has already been approved under the previous applications. This application therefore needs to establish whether the proposals now submitted are still in accordance with the adopted Local Plan.

The site is located within a wider allocation for Wickersley District Centre wherein Policy SP19 'Development within Town, District and Local Centres' states in part that: *"Within Town, District and Local shopping centres but outside of Main Shopping Areas, development proposals for the following uses will be acceptable in principle subject to meeting the requirements of other relevant planning policies:*

- a. A1 shops
- c. A3 restaurants and cafes
- e. A5 hot food takeaways

(please note that Classes A1 and A3 are now Class E and A5 is Sui Generis).

With regard to the proposed hot food takeaway Policy SP22 'Hot Food Takeaways' sets the parameters for such uses and states they will be permitted where they:

- a. would not result in more than 10% of the ground floor units within a defined town or district centre being hot food takeaways; or
- b. would not result in more than 25% of the ground floor units within a defined local centre being hot food takeaways; (This is a district centre so this does not apply)
- and
- c. would not result in more than two A5 (now Sui Generis) units being located adjacent to each other; and
- d. will not negatively impact upon the amenity of surrounding businesses or residents.

This Policy seeks to address the proliferation of takeaways to help maintain the economic vitality and viability of town district and local centres. Hot food takeaways can contribute to the vitality and viability of centres by providing accessible services and promoting linked trips.

The most recent monitoring data indicates that the proposal would not result in more than 10% of the ground floor units in the district centre being used as hot food takeaways (this unit would bring the total to 9%) and as such this proposal is in compliance with (a).

The proposed hot food takeaway would be adjacent to the Seven Seas fish bar which has more recently added a restaurant onto the site so is not exclusively a takeaway use, and as such the proposed take-away would therefore be in compliance with (c).

The issue of the amenity (d) of surrounding businesses or residents is discussed below.

Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' also states that proposals will be expected to demonstrate how they contribute towards the strategy for each centre. In the case of Wickersley, this is to maintain the range of retail and service provision and improve convenience retail provision. It is considered that the proposal will comply with this strategy by adding additional service provisions to the area.

The Wickersley Neighbourhood Plan notes that there has been a change in the character and mix of uses in the District Centre in recent years, with a decreasing requirement for retail units in line with national trends which has led to higher vacancy rates. This proposal will bring a vacant building back into use.

Objections have been received from local residents disputing the need for additional take-away and café uses in the area, however as the proposal meets the policy requirements in terms of the percentage number of units in this use it is considered that the current amended proposal complies with the above policies and that the proposal is still acceptable in principle.

#### The character and appearance of the host property and its setting in the streetscene

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

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

Policy SP59 'Shop Front Design', states 'the Council will seek the highest standards in the control of shop frontage by requiring new or replacement shop fronts to be designed so that:

- a. they respect the character of the whole building and the overall character of the street scene;
- b. they respect the period and style of the building in terms of proportion and quality of materials and relate well to neighbouring properties;
- c. the use of transparent glazing is maximised on all windows and doors, including upper floors where they are in use;
- d. security precautions give protection against burglary and vandalism whilst respecting amenity and public safety;
- e. where shutters are required, their design and location do not obstruct any architectural features on the building or have an adverse environmental impact, and any external shutters are perforated and painted with the shutter box sited behind the fascia;
- f. any canopies should be incorporated within the overall design;
- g. door recesses should be of an appropriate depth taking account of the building's character and the need to provide adequate access'.

The NPPF at paragraph 126 states that "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" and at 134 states that: "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

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

The Parish Council have raised objections to the shop front designs and excessive level of advertisements on the property which they consider to be completely out of keeping with the district centre. The Wickersley Neighbourhood Plan states that: "Applications for new, or alterations to existing commercial premises should be undertaken in accordance with the principles set out in the Wickersley Design Code, under the section shop frontages and in the Supplementary Planning Document No.6 Shop Front Design Guide."

The Wickersley Design Guide in relation to Shop Fronts states that: "New shop fronts should be of a high quality and use appropriate materials and signage. All premises should be accessible physically and visually to all users."

It further states that new shop fronts should:

- Ensure designs are in keeping with the surrounding scale and relate to the composition of the building above.
- Ensure that fixtures above the shopfront be respectful to the history of the building with traditional details, colours and materials retained.
- Choose materials that are durable and easy to maintain.

The shop front design on the Fairways frontage has been amended slightly to take account of the above, although the architect notes that he did not consider that it was appropriate to install traditional features on a plain brick wall and that the elevation proposed is similar to the example of a modern shopfront shown in the Wickersley Design Guide and which is also consistent with other shop fronts on Bawtry Road.

The existing building at ground floor level is a utilitarian structure with little architectural merit and the proposed alterations maintain the architectural detailing at first floor level on the Bawtry Road frontage. The proposed external alterations have been amended to include larger windows and are somewhat similar to those previously approved in terms of appearance and retain the character of the first floor level and the existing brickwork at ground floor level.

The proposed alterations are considered to be appropriate for a development of this type in this location and would enhance the existing appearance of this unused building and the wider streetscene, and is considered to be in accordance with the relevant Planning policies and guidance.

The issue of signage is discussed in the separate Advertisement application (RB2021/2131)

#### Impact on residential amenity

Local Plan Policy SP22 'Hot Food Takeaways' sets the parameters for such uses and states they will be permitted where they; (amongst other things) (d) will not negatively impact upon the amenity of surrounding businesses or residents.

The supporting text indicates that proposals for hot-food takeaways will be considered in light of their impact on amenity and any mitigating measures. This will include taking account of highway safety and parking, hours of operation, control of odours and cooking smells, litter and waste disposal, and crime and anti-social behaviour.

Policy CS27 'Community Health and Safety' states in part that: "*Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.*" It further states that: "*Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments.*"

Policy SP52 'Pollution Control' states in part that: *"Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity."*

Whilst the property is located in a District Centre where there are commercial premises surrounding it there are also residential properties to the rear on Fairways and Companions Close, across the dual carriageway on Bawtry Road and above some of the retail units on The Tanyard.

Objections to the proposal have been received relating to the impact on local residents from traffic and noise nuisance, food smells from the extract system, litter, and anti-social behaviour. Other issues raised relating to parking are discussed below.

The proposed change of use has the potential to impact the local area with noise and odours associated with the kitchen extract systems and there is also the potential for disturbance from noise associated with construction, customer use, deliveries and refuse collection.

The Council's Environmental Health Officer (EHO) has assessed the proposed extraction system and reports that the odour abatement system if installed and maintained in accordance with the manufacturer's instructions should be sufficient in controlling the odour on nearby residential occupiers. They also advise that the proposed opening hours are restricted as well as deliveries to and from the premises.

A Noise Assessment has been submitted and assessed and based on the findings in this report the Environmental Health Officer notes that the external plant is to be located on the external roof of the building. The rating noise level has been calculated to be 8 dB below the prevailing background sound level at the nearest noise sensitive receptor. This indicates 'Low Impact' when assessed with BS4142:2014 and 'No Observed Effect Level' ('NOEL') when assessed with the NPPF and NPSE. As such, no further mitigation is required.

The applicant has proposed opening hours every day of 0700hrs to 2300hrs. Although the EHO recommends slightly shorter times of 0800hrs – 2300hrs the adjacent fish bar has no opening restrictions and the nearby Elif restaurant advertises opening until 2330hrs on Friday and Saturday and the proposed hours are the same as those previously approved on application ref RB2019/1038. Taking account of the position of the building not being immediately adjacent to residential properties and the commercial nature of the area the proposed hours are considered to be acceptable.

With regard to the objections referring to increased litter the Council has adopted a Joint Waste Plan with Barnsley and Doncaster Councils, Policy WCS7 Managing waste in all developments states that proposals should include appropriate private or communal waste storage areas and recycling facilities which should be well screened and integrated into the design and

layout of new development. The proposal includes space within the enclosed rear yard for waste bin storage and details of the proposed screening is recommended to be required by condition as is the requirement to provide waste bins.

This proposal differs little from the previously approved scheme in terms of the use of the premises and subject to the recommended conditions regarding opening hours, odour extraction and noise abatement procedures and the provision of waste disposal it is considered that there should be no significant loss of amenity arising from this proposal to nearby residents.

### Highways

In assessing highway related matters, Policy CS14 'Accessible Places and Managing Demand for Travel,' notes in part; *"that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst other):"*

*a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links."*

Policy SP26 'Sustainable Transport for development' states, in part, that: *"Development proposals will be supported where it can be demonstrated that:*

- a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*
- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;*
- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access."*

SPD 12 Transport Assessments, Travel Plans and Parking Standards states: *"In town, district and local centre locations, car parking requirements for individual developments will be judged against the overall level of publicly available car parking in the locality."*

Paragraph 107 of NPPF states: "If setting local parking standards for residential and non-residential development, policies should take into account:

- a) the accessibility of the development;
- b) the type, mix and use of development;
- c) the availability of and opportunities for public transport;
- d) local car ownership levels; and
- e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles."

Wickersley Neighbourhood Plan Policy 5.0 'Movement and Transport' states: "Wickersley is a well connected suburb with excellent transport links," and that public transport is well used by residents. The Plan also states that: "This policy seeks to ensure that new developments not only provide adequate parking provision but also includes provision and infrastructure to support cyclists and electric vehicles."

Objections have been received with regard to lack of parking facilities, and indiscriminate parking on the pavement and the adjacent highways causing a danger to both drivers and pedestrians.

The site is considered to be in an accessible location for walking, cycling and for public transport use, and is well located for residents/employees to travel by sustainable modes of transport. It also noted that there are 3 car parking spaces within the rear yard with provision for cycle storage on the Bawtry Road frontage. The provision of electric vehicle charging points is not required for a proposal of this type with less than 5 parking spaces (as set out in the Council's adopted SPD 2 'Air Quality and Emissions.')

The applicant has also submitted a plan, which shows some alterations to the existing highway which have been requested on the previous application by the Transportation Infrastructure Service to mitigate any impact of the development on nearby streets. These measures have now been put in place and include reinstating the kerbline to Bawtry Road, the provision of bollards on Bawtry Road/Fairways frontage to prevent indiscriminate vehicular parking/manoeuvring, and the provision of cycle stands on the Bawtry Road frontage to promote sustainable travel.

Assessment of the previously approved scheme by the Transportation Unit noted that whilst such uses can generate vehicular borne custom (passing trade) the A631 Bawtry Road is a 'Clearway' where on street parking/stopping is prohibited. Full waiting restrictions are also in force along Fairways. Furthermore, the proposed measures to prevent indiscriminate parking in the wide footway fronting and adjacent the premises have now been implemented following the recent insertion of the bollards in this location.

These measures are now in place and should alleviate some of the problems in terms of indiscriminate parking on the Bawtry Road frontage. However, illegal parking in the highway and on pavements cannot be controlled by planning legislation and would be a matter for the Highways enforcement team or local police.



Delivery access is via a delivery entrance to the rear within the rear yard with an additional delivery entrance on the front facing Bawtry Road and there is also a delivery/collection hatch on the Bawtry Road frontage for the takeaway. Notwithstanding the mitigation measures, objectors have raised the concerns that the position of the service door to the front (Bawtry Road) elevation will encourage indiscriminate parking in this location. The applicant's agent notes that prior to the partially-completed development, there was a window and pedestrian and delivery doors to the Bawtry Road and Fairways elevations for use by the previous business. He further notes that the delivery window is located to allow direct access to the kitchen and keep movements away from residents. The delivery doors permit level access to each unit, albeit all deliveries that do not require level access are made from the rear.

The applicant's agent has submitted plans which indicate the swept path of both a delivery vehicle and refuse lorry into the service area to the rear of the units. Highways officers note that the path of these vehicles will require the existing dropped kerbing / vehicle access to the car park area to be extended to accommodate these manoeuvres.

They also note that a delivery service plan has been submitted indicating the method and frequency of servicing the two units. The Delivery Plan states that there will generally be three deliveries a week to each unit and that dry goods deliveries will be in boxes that can be carried in through the rear door whilst heavier items will be wheeled in through the front door which affords level access. All Costa items will be deliverable through the rear or side door.

Delivery and refuse vehicles can enter the site at the rear as shown on the submitted tracking diagram.

Subject to this plan being conditioned throughout the lifetime of the two units, highways officers have no objection to the granting of planning permission in a highway context subject to the recommended conditions set out below.

#### Other issues

With regard to other issues raised by objectors these are outlined below:  
Type of outlet proposed - The planning system can only approve/refuse applications for a change of use based on the proposed use class not the end user, therefore the type of takeaway proposed and the type of food served cannot be controlled.

Proximity to schools - It is acknowledged that there are several schools in close proximity to the site, and Supplementary Planning Document No. 5 'Equal and Healthy Communities states that: "Planning permission will not be granted for any new hot food takeaway or hybrid uses incorporating such uses where proposals are located within 800 metres of a primary school, secondary school, special school or tertiary college."

However the SPD goes on to say that the exception to this is where proposals also fall within a Town, District or Local centre (as defined in the Local Plan)

and satisfy relevant planning policies. In this instance the proposal is within a District centre and satisfies the relevant planning policies, and therefore cannot be refused on these grounds.

Lack of consultation – Concerns have been raised that residents have not been consulted on the proposals. In terms of the consultation process for this application all the occupiers immediately adjacent to the site have been notified on the original and the amended plans and objectors were notified of the amended plans. In addition, site notices have been displayed on Fairways and the at the entrance to Companions Close. This level of publicity exceed that required for a development of this nature.

KFC opened without permission - With regard to the opening of the KFC prior to the determination of this application, the applicants were working to an extant permission (RB2019/1038) for a takeaway in this position and this application is very similar to that already approved, albeit on a smaller overall floor area. However they did open without discharging the conditions attached to the previous approval, one of which referred to the highway works to prevent cars parking on the pavement on the Bawtry Road frontage. As such they were advised by the Council to cease trading until they had a new permission or until commencement of the works in the highway, and they duly ceased trading temporarily until the required highway works had been commenced (which themselves prevented unauthorised access and parking).

## **Conclusion**

Having regard to the above it is concluded that the proposed development differs little from the previously approved proposal under RB2019/1038 and represents an acceptable form of development in this locality that will be in keeping with its character and appearance and would not adversely affect the amenity of neighbouring residents or highway users. Accordingly, for the reasons outlined in this report the development would comply with relevant national and local planning policies and is subsequently recommended for approval subject to 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 and as shown on the approved plans (as set out below)

Plan No. P104 Rev C received 28 July 2022, P103 Rev F Received 3 August 2022 and P102 Rev K received 5 September 2022.

Reason

To define the permission and for the avoidance of doubt.

03

The use hereby permitted shall only be open to customers or for deliveries between the hours of 0700 - 2300.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with the Local Plan.

04

The completed alterations in the highway at Fairways and Bawtry Road, indicated on plan reference BWR-BWB-GEN-XX-DR-TR-100 Rev P2, shall be maintained and retained for the lifetime of the development.

Reason

In the interest of highway safety.

05

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

Before the complete development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

07

Before the complete development is brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

08

The submitted Delivery Management Plan shall remain in operation throughout the lifetime of the operation of the two retail units.

Reason

In the interest of highway safety.

09

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment shall be 5dB below the prevailing background sound level at any time. "Rating level" and "background sound level" are as defined in BS4142:2014+A1:2019.

Reason

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

10

The kitchen extract system as specified in the Airflow Cooling Mechanical Ventilation & Environmental Control Equipment dated 1st November 2021 shall be installed and operational and shall thereafter be retained, operated at all times during the preparation and cooking of food, and maintained in accordance with the manufacturer's instructions and as detailed in section 2.4 of the report.

Reason

To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, to comply with the aims and objectives of Policies SP 22 and SP 52 of the Rotherham Local Plan and the National Planning Policy Framework.

11

The approved detailed plans of the refuse bins to the rear and cycle stores to the front as shown on drawing no. P102 Rev K shall be implemented within 3 months of the date of this permission and shall thereafter be retained.

Reason

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

12

The litter bins shown on drawing no. P102 Rev K shall be provided within 3 months of the date of this permission, or once the relevant unit is brought into use, for use by the customers of the said premises and thereafter retained

Reason

In the interests of the amenity of the locality

13

The 1.8m high timber fence to screen the rear bin store detailed on plan no P102 Rev K shall be erected within 3 months of the date of this permission and thereafter retained.

Reason

In the interests of the visual amenity of the area

### 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 the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

03

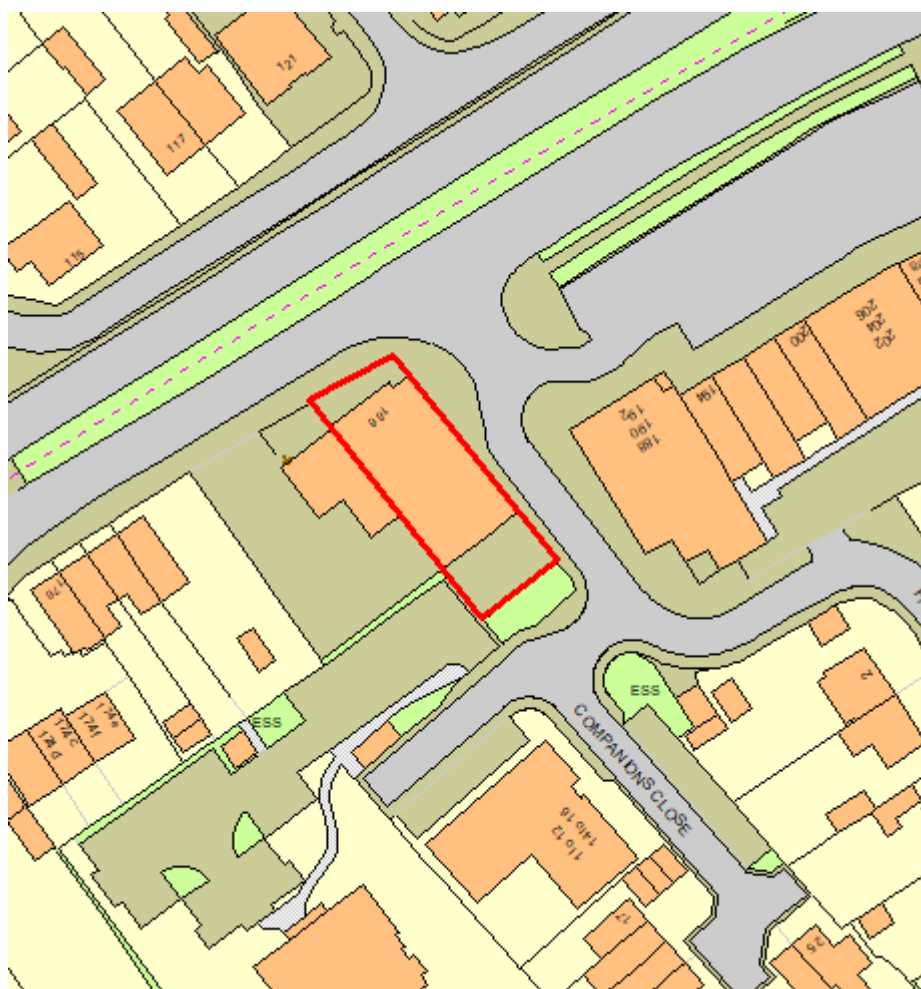
Whilst the property does not lie within the flood plain as shown on the Environment Agency's Indicative Flood Plain Maps it is noted that the site is within an area that has historically flooded in the past. It is important that all proposed extensions must be designed and constructed, to protect and safeguard against all possible risks from flooding. Further guidance on how properties may be protected against possible flooding problems can be found on the Environment Agency's web site. In all events the proposed development must not divert or create or cause additional flood water problems to any adjacent or neighbouring land.

## POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2021/2131</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/2131">https://rotherham.planportal.co.uk/?id=RB2021/2131</a>
<b>Proposal and Location</b>	<b>Display of illuminated signs and non illuminated signs and 1 No. 6m high illuminated Totem sign at 186 Bawtry Road Wickersley Rotherham S66 1AG</b>
<b>Recommendation</b>	<b>Part Grant/Part Refuse</b>

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



### Site Description & Location

The application site is located on the corner of Bawtry Road and Fairways at Wickersley, adjacent to the Tanyard shopping centre and relates to an

existing building which is of brick construction and is of a commercial appearance.

The immediate environment of the application site is predominantly retail in nature however there are residential properties to the rear on Fairways and Companions Close, across the dual carriageway on Bawtry Road and above the retail units on The Tanyard.

The site fronts the classified A631 Bawtry Road with the side elevation facing Fairways and the car park to the front of the Tanyard shopping centre.

## **Background**

There have been several applications relating to this site the most recent ones are in relation to changing the use from the previously approved use as a warehouse, office and retail shoe shop.

- RB2018/0087 Demolition of existing 1st storey, erection of new 1st & 2nd storeys to create 4 No. apartments and subdivision of ground floor to create shop and café – Granted conditionally by Planning Board
- RB2019/0495 Change of use of ground floor to café (Use Class A3) and upper floor into studio apartment (Use Class C3), demolish front extension and create shop fronts – Granted conditionally
- RB2019/1038 Subdivision and change of use of ground floor into coffee shop (A1/A3) to rear and a restaurant with hot food takeaway (A3/A5) to front and upper floor into studio apartment, demolish front extension and create shop fronts – Granted conditionally

There is also a current application as yet undetermined which is also being presented to this Planning Board;

RB2021/2130 Subdivision and change of use of building into a coffee shop and hot food takeaway, demolition of front extension and installation of new shop fronts with ramped access and external seating area to Bawtry Road.

## **Proposal**

This application seeks Advertisement Consent for the display of signage in relation to the proposed change of use of this property to a hot food takeaway and a coffee shop.

The original application has been amended in line with the changes to the application for the change of use of the building. In addition, the proposed totem sign has been reduced in height from 10m. The proposed signs now consist of;

- 1 No. 'Costa' illuminated Fascia sign
- 2 No. Individual 'KFC' illuminated letters signs
- 2 No. 'Colonels Bucket' illuminated signs

- 1 No. 6m high Totem sign with 2 double side panels
- 1 No. wall mounted 'Herbs & Spices' non illuminated sign
- 1 No. vinyl 'chicken' wall mounted non illuminated sign
- 1 No. delivery/collection sign
- Various window graphics

The illuminated signs are indicated to be internally illuminated with static luminance levels not exceeding 250cd/m2.

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

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

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

Local Plan policy(s):  
SP60 Advertisements

### **Other Material Considerations**

National Planning Policy Framework (as revised). It sets out the Government's planning policies for England and how these should be applied.

National Planning Practice Guidance (NPPG)

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

Circular 03/07 Town and Country Planning (Control of Advertisements) Regulations 2007 advises that: "The display of outdoor advertisements can only be controlled in the interests of amenity and public safety."

SPD 6 'Shop Front Design'

Wickersley Neighbourhood Plan

### **Publicity**

The original application has been advertised on the Council's website and all objectors have been notified of the amended proposals. Letters of objection have been received from 9 different households along with 2 letters from Wickersley Parish Council and a petition containing comments from 26 residents of Companions Court. The representations can be summarised as follows:

Original Proposal

- Garish signing.



- Object to the 10m totem pole signage and any other oversized signage. It should be kept to the minimum size possible.
- Amount of signs is excessive, for a residential area. Particularly the 10m high sign, the site is easily visible this sign is likely to be a traffic hazard.
- The proposed signage is totally out of character, being of a great height and illuminated, both of which do not fit in with Wickersley's Neighbourhood Plan.

#### Amended Plans

- Object to any other signage other than the ones currently in use, I strongly object to any type of totem pole signage irrespective of height.
- The signs suggested appear to me to be excessive and will cause major distractions to drivers both on, and joining, Bawtry Road.
- How can a 6m high illuminated totem sign be even considered?
- Lighting from the totem sign could cause issues with the nearby surveillance camera.
- The sign is diabolical
- The proposed signs are within 2m of a busy junction where there is already a potential for serious accidents.

#### Parish Council comments:

- The shop front designs and excessive level of advertisements on the property are completely out of keeping with the district centre and would be contrary to SP59 'Shop Front Design'. This policy requires shop fronts to be designed to respect the character of the whole building and the overall character of the street scene. The SPD on shop front design reinforces this policy and adds to the Local Plan policy. The facias are unacceptably deep; there is an unacceptable cluttering of illuminated signage along the whole of the front and side elevations; there is additional intrusive 3 and garish signage on the front elevations including bucket signs and the character of illuminated signage is completely out of character with that generally found elsewhere within the district centre.
- In addition to the intrusive and unacceptable signage on the building itself, it is proposed to erect a freestanding totem sign on the Bawtry Road frontage with an overall height of 10 metres (this has since been reduced to 6m) with the signage itself being 3.6 metres by 2.4 metres. There is no signage of this nature elsewhere in Wickersley and it would be extremely obtrusive and visually offensive in a very prominent location on a very busy principle road. Given the high volumes of traffic flow on Bawtry Road, and its substantial size, it could also be a distracting feature for drivers and therefore represent a traffic hazard.
- The Parish Council would therefore request that the advertisement application is refused on the basis of the excessive level and type of advertisement being out of keeping with and harmful to the character of Wickersley.

## Consultations

RMBC - Transportation Unit note that the application includes illuminated signs and that Guidance from the ILE technical report number 5 (Brightness of Illuminated Advertisements) states that signs up to 10 sq m should not exceed 800 cd/sq.m. and signs over 10 sq m should not exceed 600 cd/sq.m. As such they request that a condition is imposed requiring the luminance of the signs is restricted.

## Appraisal

Fundamental to the determination of applications for advertisement consent, is that they may only be controlled with regard to two material considerations, namely “amenity” and “public safety”. These are therefore the considerations to be assessed;

- Impact on amenity
- Impact on highway safety

### Impact on amenity

Factors relevant to amenity include the general characteristics of the locality which in this instance is largely commercial in nature.

Sites and Policies Policy SP 60 ‘Advertisements’ indicates that:

*“...Advertisements which require consent must not cause a public safety hazard or contribute to clutter or a loss of amenity. Proposals for advertisements will be supported where they:*

- a. are of a high quality and sensitive to their visual appearance in relation to their size and siting (including the building or structure on which they are to be sited) and the surrounding street scene, especially in the case of listed buildings and conservation areas; and*
- b. do not contribute to an unsightly proliferation or clutter of signage in the vicinity; and*
- c. do not cause a hazard to pedestrians or road users; and*
- d. do not cause visual intrusion by virtue of light pollution into adjoining residential properties and avoid light pollution of nearby wildlife habitats; and*
- e. do not have flashing internal or external illumination.”*

NPPF Paragraph 136 states: *“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”*

Government guidance regarding advertisements was published on 6th March 2014 and updated on 22nd July 2019. This points out that local planning authorities are required to control the display of advertisements in the interests of amenity and public safety.

The NPPG notes that Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

The NPPG adds that; “amenity’ is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

It is, however, a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

So, in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.

This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

SPD 6 ‘Shop Front Design’ states that “Shops are normally limited to one fascia sign and one hanging sign. The sign should be well designed to project a quality image. Multiple signage clutters the facade and must be avoided.”

Wickersley Neighbourhood Plan Policy VC2: Shop Frontages states that “Applications for new, or alterations to existing commercial premises should be undertaken in accordance with the principles set out in the Wickersley Design Code, under the section shop frontages and in the Supplementary Planning Document No.6 Shop Front Design Guide.”

Wickersley Design Code in relation to signage recommends that applicants: “Ensure that any fascia or projecting signs are located within the traditional fascia level and are appropriately illuminated. The depth of the fascia should not exceed one quarter of the height from the pavement to the underside of the fascia”

Concerns have been raised by local residents and the Parish Council with regard to the amount of signage proposed. In this instance as the property has two highway frontages it is considered to be acceptable to have signage on both elevations.

The immediate area fronting Bawtry Road is commercial in nature and there is a mixture of internally and externally illuminated signage on surrounding properties on the Tanyard and Bawtry Road.

The signage associated with the adjacent uses is generally restricted to fascia signs with some small projecting signs and whilst the proposed signage on this building includes additional signage on the walls and windows, in this location, where there are few residential properties in close proximity that would have a clear view of the signage, it is considered to be acceptable.

However, whilst the signage on the building is considered to be acceptable for a retail area, the proposed totem sign, which is proposed to be erected on the limited frontage to the hot food takeaway fronting Bawtry Road, is considered to form a dominant and intrusive feature. It would be clearly visible from the highway carriageway when approached from both directions, due to the height of the totem sign and its positioning forward of the existing buildings, in the vicinity of the traffic light controlled crossing.

It is acknowledged that elements of the sign replicate the detail found in other signs on the building which are recommended for approval, however it is the size and position of the sign in the street scene which raises concerns, and these are not outweighed by the recommendation for the other signs.

Visually this is considered to be a prominent position and unlike any other signage in the immediate retail area and as such is considered to appear isolated and incongruous and this is considered to be harmful to the amenity of the surroundings. The impact would be emphasised as the sign is double sided and illuminated.

It is recognised that the applicant wishes to ensure that the businesses are visible and the facilities offered are well signed to customers in order to maximise its opportunities for trade in the current economic climate. However, it is considered that there is adequate signage on the building for this purpose and this does not outweigh the effect of the sign on the character of the area particularly when the cumulative impact of the signage on the building is taken into account.

Accordingly, it is considered the proposed totem sign would result in a development in conflict with Local Plan Policy SP60 and the NPPF and NPPG.

As such whilst the proposed signage on the building is recommended for approval, the totem sign is recommended for refusal.

Impact on highway safety.

Factors relevant to public safety are stated to include the safety of persons using any highway.

Concerns have been raised by local residents and the Parish Council that the proposed signage is excessive and will cause major distractions to drivers both on, and joining, Bawtry Road.

In terms of public safety the NPPG notes: "All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline."

In this instance the signage is located within a commercial setting where the signage on the building is not considered to be distracting to motorists.

The Transportation Unit note that the application includes illuminated signs and that Guidance from the ILE technical report number 5 (Brightness of Illuminated Advertisements) states that signs up to 10 sq. m should not exceed 800 cd/sq. m. and signs over 10 sq. m. should not exceed 600 cd/sq. m.

The proposed signage is indicated to have a luminance level of between 200 cd/sq. m. and 250 cd/sq. m. which would be in compliance with the guidance, however the highways officer has requested that a condition is imposed requiring the luminance of the signs to be restricted to the limits above in the interests of road safety to prevent any subsequent changes in the future to the level of luminance.

Notwithstanding the concerns raised by objectors the Transportation Unit have indicated that they have no objections to the proposed signage in highway safety terms subject to the imposition of the above condition regarding the luminance of the signs.

**Conclusion**

In conclusion, whilst the signage on the building is considered to be appropriate for a commercial area, the proposed illuminated freestanding totem sign represents an incongruous and prominent feature in the streetscene contrary to sections a and b of Policy SP60 'Advertisements' and as such cannot be supported and is recommended for refusal.

It is therefore recommended that a split decision be authorised as follows:

**Recommendation**

**A**

**That the illuminated and non illuminated signage on the building be approved subject to the recommended conditions set out below**

**Conditions**

01

The consent hereby granted shall relate to the 5 No. illuminated signs and various non illuminated signs affixed to the building and as shown on plan number

P103 Rev F received 30 July 2022.

Reason

To define the permission and for the avoidance of doubt.

02

The maximum luminance of the signs shall not exceed 800 cd/sq.m for signs less than 10 sq m and shall not exceed 600 cd/sq.m for signs greater than 10 sq m.

Reason

In the interests of highway safety

**B**

**That the proposed totem sign be refused for the reason set out below;**

**Reason(s) for Refusal**

01

The Council considers that the 6m high illuminated freestanding totem sign with its height and prominent siting on the frontage of the existing site would have an adverse impact on visual amenity by virtue of its overall size and scale and its proximity to the highway boundary. Accordingly, the proposal is contrary to Local Plan Policy SP60 'Advertisements' and the guidance in the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2022/0201</b> <a href="https://rotherham.planportal.co.uk/?id=RB2022/0201">https://rotherham.planportal.co.uk/?id=RB2022/0201</a>
<b>Proposal and Location</b>	Demolition of balcony and porch structures and conversion and extension of detached dwelling to form two dwellings, including partial raising of roof height and alteration to elevations to include new window detailing, front porches and eaves dormers, at 3 The Close, Dinnington
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



### Site Description & Location

The host property is a former workshop constructed some 100 years ago, which has been extensively modified and altered over the years. Since the early 1980s the building has been used as a single residential dwelling, accessed off The Close. The Close serves as an access to three other dwellings, 1 & 2 The Close and 70 Lidgett Lane.

To the south of the site are residential properties on Hall Farm Croft whilst to the north are residential properties on Barleycroft Lane.

**Background**

RB1981/1654 - Conversion of existing offices & workshop to dwelling-  
Granted Conditionally

Adjoining site

RB2019/1599 - Demolition of an existing unlisted building within Dinnington Conservation Area & erection of 8 No. dwellinghouses with associated access, amenity space & parking - GRANTED CONDITIONALLY

RB2021/1053 - Application to vary condition 02 (plots 1 - 4 now to be faced in stonework and dimensional changes to plots 1 - 3) imposed by RB2019/1599)  
- GRANTED CONDITIONALLY

**Proposal**

The applicant seeks full permission to split the dwelling into two separate 3 bedroom dwellings – Unit 1 (at southern end of building) and Unit 2 (at northern end). As part of the conversion, an existing balcony area and porch would be demolished, new porches will be added, along with fully glazed atrium areas incorporating new eaves dormers. The roof height of Unit 2 is to be increased by 500mm to match in with that existing on Unit 1. The alterations are intended to give the property a modern appearance with new window detailing.

The existing rear windows are to be removed as part of the scheme. This has already been agreed in relation to application RB2019/1599 involving the development of the adjoining site so as to prevent overlooking of the adjoining dwellings to be constructed on that site.

The scheme has been amended during the application process to provide a passing bay on The Close and a turning head for a fire appliance. Furthermore, additional land is to be included at the access to allow for a 5m wide access at the front to allow two way traffic off Lidgett Lane onto The Close. Finally, an amendment was received in respect of the roof design at the northern boundary of the site, to reduce the impact on existing properties on Barleycroft,

Finally, the applicant has provided a bat survey which concludes that the building is unlikely to be used by bats for roosting or as a place of shelter.

**Development Plan Allocation and Policy**

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

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



Local Plan policy(s):

CS14 'Accessible Places and Managing Demand for Travel'

CS20 'Biodiversity and Geodiversity'

CS28 'Sustainable Design'

SP11 'Development in Residential Areas'

SP12 'Development on Residential Gardens'

SP33 'Conserving and Enhancing the Natural Environment'

SP34 'Sites Protected for Nature Conservation'

SP55 'Design Principles'

### **Other Material Considerations**

Dinnington Neighbourhood Plan

The South Yorkshire Residential Design Guide

National Planning Practice Guidance (NPPG)

National Planning Policy Framework: The revised NPPF came into effect in July 2021. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

### **Publicity**

The application as originally submitted was advertised by way of individual neighbour notification letters to adjacent properties and a site notice. Seven letters of objection were received, including one from the Dinnington Town Council.

The objectors state that:

- Out of character for the surrounding area
- The glass walls and the lounge upstairs offer opportunities for the other properties and gardens to be overlooked which invades privacy
- How will emergency vehicles manoeuvre when there is no available turning circle? In the case of a major fire 2 fire engines could not get up the drive.
- The access is dangerous with parking problems.
- No visitor parking
- Could set precedent for further similar development.
- Drive is not wide enough.
- Noise disturbance from additional dwelling.

- There are bats in the roof and the works will contravene the Wildlife and Countryside Act (1981).
- The dwellings do not meet Building Regulation Requirements in terms of fire safety.
- Any excavation of the garden closest to The Close may cause subsidence to 72 Lidgett Lane.

Dinnington Town Council states that:

- The planned design is not in keeping with surrounding properties.
- The privacy of neighbouring properties could be compromised.
- Road safety – the planned entrance looks very narrow and there also appears to be very little room for manoeuvre within the development, giving cause for concern over access for emergency vehicles and access/egress on to a busy main road.

The revised plans relating to the alterations to the access and alterations to the roof design were also publicised, though no further comments have been received.

Two objectors and the applicant have requested the right to speak at Planning Board

### **Consultations**

RMBC - Transportation Infrastructure Service: No objections subject to conditions

RMBC – Ecology: No objections subject to conditions

### **Appraisal**

The main considerations in the determination of this application are:

- Principle of development, including design, neighbouring amenity and the character of the area
- Amenity of future residents
- Highways
- Ecology
- Other issues

#### Principle of development, including design, neighbouring amenity and the character of the area

Policy SP 11 “Development in Residential Areas” states that: “Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.” The subdivision of the dwelling from one to two would comply with this Policy.

SP 12 'Development on Residential Gardens' states that: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

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

Firstly in terms point 'a' the site is limited in size and not suitable for a comprehensive redevelopment of the area for further housing.

In terms of point 'b' and the harm to existing properties, Policy SP55 'Design Principles' states that: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

- g. the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."

The existing dwelling already includes a large balcony feature, which will be removed, and a new fully glazed element provided on the front of the building, incorporating a new eaves dormer feature for both proposed properties. The new eaves dormer feature serves a void area and is designed to provide light, and as such will not allow for direct overlooking of neighbours. In any event, the front elevation of the building is over 14m from the rear boundaries of 1 The Close and 68 and 70 Lidgett Lane, and over 50m from their rear elevations – the proposed development would not extend towards these boundaries/elevations.

With regards to appearing overbearing and any loss of light, it is noted that the northern gable end immediately abuts the neighbouring gardens of No.44 & 46 Barelycroft Lane. This is a longstanding relationship and currently creates a poor outlook for these properties with significant reduction in natural light to their modest rear yards. This scheme (as amended) will not make the situation any worse and as such the proposal will not significantly harm the amenity of No.44 & 46 Barelycroft Lane in this respect.

Finally in terms of criteria 'c' the character of the area, Core Strategy Policy CS28 'Sustainable Design,' states: "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."

Paragraph 126 of the NPPF states that: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.”

Paragraph 130 of the NPPF states that: “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;”

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.”

The proposed development will change the character of the host property and give it a more contemporary modern look. Whilst the host property is of considerable age, it has been heavily modernised in the past with render, a front balcony and U-PVC windows. The property does not fall within a Conservation Area and the area in general contains a wide variety of architectural styles and, as such, this more modern approach is acceptable and will improve not only the host property, but the overall character of the area.

The scheme is therefore considered to accord with the local and national policy referred to above.

#### Amenity of future residents

Paragraph 130 of the NPPF states that: “Planning policies and decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

The 'South Yorkshire Residential Design Guide' states that: For the purposes of privacy and avoiding an 'overbearing' relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. Private gardens of two bedroom houses/bungalows should be at least 50 square metres; for three or more bedroom houses/bungalows, 60 square metres.

In this instance the existing dwelling includes no rear garden, due to it historically being a workshop which was converted to a dwelling in the early 1980s. This area of Dinnington, close to the town centre, also includes a number of dwellings with small rear gardens, which reflects the denser nature of the area.

Firstly Unit 1 includes a garden area to the side as well as the front which provides over 60 square metres of private garden. In terms of the internal accommodation, the size exceeds that required in the South Yorkshire Residential Design Guide and all habitable rooms will include clear glazed windows providing a good level of natural light and outlook.

In terms of Unit 2, again the internal accommodation exceeds that required in the South Yorkshire Residential Design Guide and all habitable rooms will include clear glazed windows providing a good level of natural light and outlook. In terms of the garden the overall front garden area is in excess of 60 square metres although some of this is merely landscaping and not useable as such. Nevertheless, there will be an area accessed through patio doors which can provide a sitting out area for the enjoyment of future residents, which due to the backland location will be private. Whilst the layout of the dwelling with no rear garden is somewhat unorthodox, a degree of flexibility is required when dealing with proposed subdivisions of existing dwellings.

### Highways issues

In assessing highway related matters, Policy CS14 'Accessible Places and Managing Demand for Travel,' notes that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by (amongst other):

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed."

The dwellings will be accessed off the existing road known as "The Close", which measures some 4m wide at the access and serves parking for four existing dwellings. The additional dwelling will provide for additional parking

demand as well as deliveries etc. The majority of objections relate to the substandard access and turning on site.

The applicant has provided an amended plan demonstrating adequate turning within the site as well as a new passing bay. The access width at the junction with Lidgett Lane will also be improved with additional land purchased and the width increased to 5m. The improved access will therefore allow for two-way traffic at the junction with Lidgett Lane.

In view of the above it is considered that the scheme is acceptable from a highway safety point of view.

### Ecology

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

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

SP34 'Sites Protected for Nature Conservation' states that: "Development that would either directly or indirectly, adversely affect a non-statutorily protected site will not normally be permitted"

The applicant has provided a bat survey which concludes that the building is unlikely to be used by bats for roosting or as a place of shelter. In order to encourage ecology a condition has been attached requiring the bat boxes to be installed.

### Other issues

An objector has raised concerns about potential subsidence if earth is removed to widen the access and this is addressed in Condition 6 where details of the retaining structures are requested. Ultimately, should any damage to the property of the objector occur it would be a civil matter between the relevant parties.

An objector has raised concerns that the dwellings do not meet Building Regulation Requirements in terms of fire safety. This will be considered at the Building Regulation stage and is not material to this planning application.

## **Conclusion**

The proposed scheme, as amended, is acceptable in terms of the principle of development, the character of the area, highway safety and neighbouring amenity. As such it is recommended that the scheme is approved subject to the conditions set out below.

## **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 and to assist in the delivery of development.

02

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

(Amended Site Plan XY21-0181 (06)001 3.6) (Received 26 July 2022)

(Amended Elevations XY21-0181 (08)001 3.6) (Received 26 July 2022)

(Amended Sections XY21-0181 (09)201 3.6) (Received 26 July 2022)

(Amended Garden and Parking XY21-0181 (90)001 3.6) (Received 26 July 2022)

(Amended Site Access XY21-0181 (90)501 3.6) (Received 26 July 2022)

(Ground Floor XY21-0181 (07)111 3.0) (Received 04 Feb 2022)

(First Floor XY21-0181 (07)112 3.0) (Received 04 Feb 2022)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

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

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

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

Reason

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

05

Before the development is brought into use the highway access improvements as set out on the highway access plan (XY21-0181 (90)501 3.6) shall be brought into use and permanently so maintained.

Reason

In the interest of highway safety

06

Details of the construction of any retaining walls required to retain land following the widening of the access (shown on plan XY21-0181 (90)501 3.6) shall be submitted to and approved in writing by the Local Planning Authority, and they shall be built in natural stone to match the existing wall. The approved details shall be implemented before the development is brought into use.

Reason

In the interests of the structural integrity of the walls and the visual amenity and character of the area.

07

Details of a bat box for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved bat boxes shall be installed prior to occupation of the new dwelling.

Reason

In the interest of biodiversity net gain and in accordance with Local Plan Policy.



08

Prior to the occupation of the new dwelling, details of an Electric Vehicle Charging connection point for each dwelling shall be submitted to and approved by the Local Planning Authority. The new dwelling shall not be occupied until the approved chargers have been provided, and they shall thereafter be retained.

Reason

In the interests of air quality and to provide appropriate facilities for electric vehicles.

09

Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C, and D 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 further extensions shall be erected to either property [other than those expressly authorised by this permission] without the prior permission of the Local Planning Authority.

Reason:

In the interest of neighbouring amenity.

### Informatives

#### Wildlife Legislation

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

#### POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	RB2022/0777 <a href="https://rotherham.planportal.co.uk/?id=RB2022/0777">https://rotherham.planportal.co.uk/?id=RB2022/0777</a>
<b>Proposal and Location</b>	Erection of a convenience store (Use Class E) adjacent to the existing public house (Sui Generis), utilising the existing access, with associated parking and landscaping, and reconfiguration of the public house car park, including additional parking area, The Squirrel 194 Laughton Road, Dinnington
<b>Recommendation</b>	Grant Conditionally

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



### Site Description & Location

The application site is the vacant Squirrel Public House located on a triangular plot at the mini roundabout off Breck Lane, Outgang Lane and Laughton Road. The pub has been vacant for a couple of years and includes substantial land, including a large car park, beer garden and landscape strip.

Adjacent to the pub are a row of local shops, whilst to the rear is a modern OAP Home, with views over the pub beer garden.

## **Background**

The site includes a long history of applications relating to improvements to the public house, none of which are of particular relevance to the current application.

## **Proposal**

The application is for the construction of a convenience food store (use class E) utilising the existing access, with associated parking and landscaping, and reconfiguration of the public house car park.

The new store will have a net internal area of 401sqm and a sales area of 280sqm and would be constructed in brickwork with grey slates and grey windows. The scheme will be provided with a parking area of 15 spaces, including 3 disabled spaces and 3 electric vehicle charging spaces.

The pub would retain 13 parking spaces at the front, on the existing parking area, as well as be provided with a further 17 spaces at the rear on land currently grassed over. Currently the public house has approximately 32 car parking spaces so the overall number proposed for the public house (at 30 No.) will remain virtually the same.

An outside area for the pub will be retained to the front and rear of the site, allowing for some outside seating. To the rear of the site, an area of land that is currently unused would remain as such.

The applicant has indicated that the store will be open to customers between the hours of 06:00 – 23:00, and that deliveries will take place between the hours of 08:00 and 21:00.

## **Retail Statement**

The new store will have a net internal area of 401sqm and a sales area of 280sqm and represents a local convenience store which help meet the needs of local residents and will serve a local catchment population and some pass-by trade, open from early morning until late evening. The store is expected to carry a basic range of groceries, ready meals, sandwiches and snacks, beers, wines and spirits and a range of fresh fruit and vegetables.

A sequential assessment based on a town centre survey has been undertaken, combined with desktop research and telephone calls with local estate agents and Council officers. There are no known development proposals for new retail floorspace in or on the edge of the centre, although there is one site allocated for retail use. This comprises vacant land in the combined ownership of the Borough and the Town Council, however the land is not being actively marketed and there is no Committee resolution to secure the site's disposal. Despite enquiries for various uses the Council's Estates Department are not in a position to market the site and we must conclude that the site is not currently available for sale.

An assessment of vacant retail premises in the town centre has been undertaken and all are too small to accommodate the proposed development. A number of contiguous properties could theoretically be combined, but each are in a separate ownership and their combination would result in a compromised format which is not suitable to accommodate the proposed development. On this basis, it is considered that the sequential test is satisfied.

On the basis that the application proposal satisfies the sequential approach, it accords with the requirements of the development plan and should not be refused for retail policy reasons.

#### Transport Statement

It is concluded that the proposed development is compliant with the principles, recommendations and prescriptions included in national, regional and local policies. The predicted transport impact of the proposed scheme cannot be considered to be severe as is the test set out in the NPPF. Accordingly, there are no transport reasons why planning permission should not be granted.

#### Design & Access Statement

CPC Planning Consultants Ltd has produced this Planning, Design and Access Statement in support of the Cordage Estates Limited planning application in relation for planning permission for a convenience store adjacent to the Squirrel public house in Dinnington.

The planning application proposes the erection of a convenience store (Use Class E) adjacent to the existing public house (Sui Generis) utilising the existing access, with associated parking and landscaping, and reconfiguration of the public house car park.

This Statement and enclosed documentation demonstrate the proposed development has been designed in accordance with the relevant local and national planning policies, as well as supplementary planning guidance, and responds positively to the locale.

The proposed development creates various sustainable benefits for the local community, including introducing employment opportunities, providing alternative shops and products for the local residents, reducing travel time to out-of-centre supermarkets and encouraging local investment.

The scheme poses no threat to the future viability of the public house, which will retain the same amount of parking in a reconfigured car park.

A sequential assessment has been undertaken which identified no suitable vacant sites within or adjacent to the town centre.

There are no structural stability issues associated with the site as coal mining was formerly undertaken at sufficient depth beneath the site.

#### Statement on the Future Viability of the Squirrel Public House

As shown in the proposed layout plan below, neither the Squirrel building nor its beer garden will be affected by the proposed convenience store. The car park will be reconfigured, resulting in the same number of spaces as currently. Consequently, the potential future viability of the Squirrel will be unaffected by the convenience store, with the pub still able to offer exactly the same range of facilities as before.

The Squirrel has been marketed through agents James A Baker since August 2021, with a marketing relaunch in May 2022 to try to generate extra interest. The agents remain optimistic that a buyer will be found who will continue to operate the Squirrel as a public house.

The need to find an operator has been brought into focus by recent acts of vandalism which have included damage to fencing, tiles, heating pipes, skylights and windows; and graffiti and fly tipping.

As a result, security measures have been increased recently, to include the following measures:

- Every window and door secured with steel panels
- Two skylights are secured from underneath with additional poles
- Door defenders on all ground floor internal doors
- Security inspections twice a week
- Additional steel door internally on the ladies toilet so there are two steel doors to get through
- Car park barricaded with concrete blocks
- Additional herras fencing panels and anchors on both sides of the building to prevent access to the rear of the site and the fire escape onto the flat roof
- Installation of cameras to the rear during the summer holiday period

#### Tree Survey

Of the total of SEVEN trees and groups surveyed, SIX will be retained and ONE tree is indicated to be removed for management reasons. Additionally, ONE tree will have activity arising from the development occurring within its RPA. The tree to be removed is in poor condition and its loss is required to allow the continued safe use of the site. The incursion within the RPA of a single tree by new surfacing is small and unlikely to have any implications for its health and wellbeing. Provided the tree protection measures set out in this report are realised, then the proposal is acceptable from an arboricultural perspective and the risk of implications for retained trees is likely to be low.

**Development Plan Allocation and Policy**

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

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

Local Plan policy(s):

CS14 'Accessible Places and Managing Demand for Travel'  
CS21 'Landscape'  
CS25 'Dealing with Flood Risk'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS33 'Presumption in Favour of Sustainable Development'  
SP11 'Development in Residential Areas'  
SP47 'Understanding and Managing Flood Risk and Drainage'  
SP52 'Pollution Control'  
SP55 'Design Principles'  
WCS7 'Managing Waste In All Developments'

**Other Material Considerations**

The Dinnington Neighbourhood Plan

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

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

Other material considerations are:

National Planning Practice Guidance

Rotherham Supplementary Planning Documents

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

**Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 13 letters of objection have been received, including one from Dinnington Town Council. The issues raised in the objection letters are summarised as:

- An additional supermarket is not required in Dinnington.
- The road and mini roundabout cannot cater for the additional traffic.
- Additional traffic detrimental to the safety of local school children.
- The new supermarket would harm the viability of nearby local shops.

Dinnington Town Council states:

Object to the above planning application as we believe it does not comply with Dinnington's Neighbourhood Plan in that, at paragraph 109, The Squirrel (and therefore anything within the curtilage of the property) is a community facility the community wishes to see protected. The referendum passed with an overwhelming majority and therefore we expect to see the wishes of this community respected with this planning application.

The applicant and Cllr David Smith have requested the right to speak at Planning Board.

### **Consultations**

RMBC – Transportation Infrastructure Service: Notes that the proposed store is to have 15 No. new car parking spaces and that 3 of these are accessibility car parking spaces, which is in accordance with the Council's parking standards. The number of car park spaces proposed is below the maximum required in the Council's parking standards, (which for a store of this size would be 29), though it is noted that the site is located near to bus stops and residential properties, and as such, is considered to be in a sustainable location.

It has also been demonstrated in the Transport Statement that the number of car park spaces proposed is above that required during peak demand, and as the adjacent public house will have no loss in the total number of parking spaces, then some of these spaces, may also potentially be used by visitors to the proposed store.

Cycle parking provision has been provided in the form of both short and long stay and the tracking for a 12m long vehicle delivering to the site has also been satisfactorily shown with the exit path of the vehicle onto the adopted highway also shown.

RMBC – Drainage: No objections subject to conditions.

RMBC – Environmental Health: There is concern for noise from this development potentially having an adverse impact on nearby noise sensitive premises from the proposed extended opening hours, especially early morning and late at night. Lighting detail with an impact assessment would need to be provided if additional artificial lighting was to be installed on site. A condition restricting the hours of use to minimise noise and lighting disturbance to nearby residential properties will therefore need to be incorporated.

A waste management strategy should be developed at an early stage and the applicant needs to submit a noise assessment in relation to any fixed plant that is to be installed on site. These can be addressed by way of recommended conditions.

SY Police Architectural Liaison Officer: No objections.

RMBC – Trees & Woodlands: 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 issues in the determination of this application are considered to be:

- Principle
- Impact upon Asset of Community Value
- Design
- Highway impact
- General amenity
- Drainage and Flood Risk
- Landscape and Trees

## Principle

The site is located within an area identified for Residential purposes and has for a number of years been in use as part of the grounds of the Public House. Given the nature of the development regard will be had to policy SP11 'Development in Residential Areas'. Policy SP11 states:

*"Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.*

*Non-residential uses will be considered in light of the need to maintain the housing land supply and create sustainable communities, and 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.”*

The supporting text to Policy SP11 notes that: “Certain non-residential uses will be allowed in residential areas where they are ancillary and complementary to the main residential use. Such uses could include proposals for convenience shops serving the local area only, social and community facilities, public houses, amenity and local recreational open space.”

In respect of criteria (a), a convenience food store within a residential location would in general be ancillary and complement the residential nature and function of the area, and given the limited size of the proposed food store the proposal would also satisfy criteria (b).

It is noted that the Sunday Trading Act classes a 'small shop' as anything with an internal sales and display area below 280 square metres (approximately 3,000 square feet). The shop has been designed to meet the 280 square metre limit set out in the Sunday Trading Laws and as such can be defined as a 'small shop'.

Furthermore, given the sustainable location of the site within walking distance from a number of residential properties and on a local bus route it is in a location that would benefit the health and well-being of the local population and as such criteria (d) would also be satisfied.

In terms of criteria (c) and the impact on the residential amenity of the area, this is discussed in more detail below.

In terms of the Dinnington Neighbourhood Plan Policy STC3 – Shops Outside Dinnington Town Centre asserts that:

“development proposals that would result in the loss of, or have a significant adverse effect on, neighbourhood shops outside of the defined Dinnington Town Centre will not be supported unless it can be demonstrated to Rotherham MBC in consultation with the Town Council that:

- a) In the case of a significant adverse impact, the benefits of the development outweigh the impact and that opportunities to mitigate the impact have been considered; or
- b) In the case of a loss of use, it can be demonstrated that the use is no longer viable, and the site has been actively and appropriately marketed in accordance with the requirements set out in Policy SP62 (Safeguarding

Community Facilities) in the adopted Rotherham Sites and Policies Document, or any subsequent replacement policy.

The development of local shopping facilities to serve the day-to-day needs of their immediate community will be supported subject to satisfying the sequential and, where appropriate, the impact test requirements set out in NPPF and Policy CS12, and satisfying other planning policy requirements including transport, environmental and amenity considerations.”

In this instance the convenience store will serve day to day needs of the North Dinnington Area. In terms of the sequential test, the submission has assessed a number of sites within the Dinnington Town Centre, which do not meet their needs in terms of the floor area and on-site parking. Moreover, the store as referred to above is a local convenience store for the North Dinnington Area and a town centre site would not serve this purpose.

Turning to the impact upon existing convenience store Premier Shop and the town centre, Policy CS12 does not require an impact assessment for a store under 500sqm.

#### Impact upon Important Community Facility

Dinnington Town Council has raised concerns regarding the impact upon the Public House which is listed as an Important Community Facility, within the Dinnington Neighbourhood Plan. The neighbourhood plan designation links to Local Plan Policy SP63 Loss of Public Houses which states that:

“Proposals for the redevelopment or change of use of public houses to other uses will be expected to demonstrate to the satisfaction of the Local Planning Authority that:

- a. the public house is no longer economically viable; and
- b. opportunities to re-let premises have been fully explored including the formation of a social enterprise or charitable group that can take over the premises; and
- c. the site or premises have been marketed to the Council's satisfaction at a price which is commensurate with market values for at least 12 months and included both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and
- d. there is not an identified need for the public house based on the following:
  - i. there are alternative licensed premises within 800 metres reasonable walking distance of the public house; and
  - ii. where the public house provides a wider variety of ancillary uses there are alternative premises which offer similar facilities within 800 metres reasonable walking distance of the public house.”

In this instance the applicant does not intend to remove or convert the Public House, merely construct a local convenience store within the grounds of the Public House, as well as incorporating other land outside of these grounds. The Public House is to be sold separately and will retain off street parking and an area to the front and rear for outside drinking.

It is noted that the Public House has suffered from some vandalism, especially in the beer garden area. As such the applicant has agreed measures to further secure the building and site from vandalism and to ensure it does not become damaged beyond economical repair. These requirements have been conditioned as part of the approval.

Whilst Dinnington Town Council has raised an objection regarding development within a community facility, the majority of the new store will not fall within the Important Community Facility boundary plan as set out within the Neighbourhood Plan. Moreover, clearly the intention of both Local Plan and the Neighbourhood Plan is to protect the pub itself rather than incidental curtilage. The Pub will still retain a significant curtilage with adequate parking and outside drinking space.

### Design

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

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

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

Policy BED2 – Design and Infrastructure of the Dinnington Neighbourhood Plan states that; *“the designed and master planning of development proposals should support the creation and maintenance of inclusive and healthy communities, with the development proposals will be expected to meet a range of standards listed.”*

This approach is echoed in National Planning Policy in the NPPF. The NPPF at paragraph 126 states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.* It further states at

paragraph 130 that developments should: *“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting...”*

In addition, CS21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

The applicant proposes a single storey retail unit with a mansard roof, to soften the building’s appearance in the streetscene. Red brickwork, tiles and grey aluminium windows/doors are proposed. Some additional landscaping is also proposed to soften the impact.

The proposed shop design is relatively simple in appearance and suitable for this location. Furthermore the shop front does not include any external shutters and meets the Council’s Shop Front Design Guide.

As such, the proposed development is considered to be in accordance with the aforementioned policies of both the Rotherham Local Plan and the Dinnington Neighbourhood Plan, as well as the provisions set out in the NPPF and NPPG.

#### Highway impact

Paragraph 110 of the NPPF states, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, amongst other things a safe and suitable access to the site can be achieved for all users.

Paragraph 111 of the NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Paragraph 112 of the NPPF states that developments, should amongst other things, allow for the efficient delivery of goods, and access by service vehicles.

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

The application is for a 401sqm convenience store within an existing car park area adjacent to The Squirrel public house. As such, the submission of a Transport Statement by the applicant's agent is in accordance with the requirements of SPD12.

The proposed store is to have 15 No. new car parking spaces and that 3 of these are accessibility car parking spaces, which is in accordance with the Council's parking standards. The number of car park spaces proposed is below the maximum required in the Council's parking standards, (which for a store of this size would be 29, though it is noted that the site is located near to bus stops and residential properties, and as such, is considered to be in a sustainable location.

It has also been demonstrated in the Transport Statement that the number of car park spaces proposed is above that required during peak demand, and as the adjacent public house will have no loss in the total number of parking spaces, then some of these spaces may also potentially be used by visitors to the proposed store.

Cycle parking provision has been provided in the form of both short and long stay and the tracking for a 12m long vehicle delivering to the site has also been satisfactorily shown with the exit path of the vehicle onto the adopted highway also shown.

As such the proposal is acceptable from a highways point of view.

The Councils adopted SPD2 Air Quality and Emissions requires non residential developments (for proposals with 5 or more parking spaces) to provide vehicle charging point infrastructure (cabling routes) to serve every car parking space and a minimum of 20% of parking spaces to have charging points. The provision of 3 No. Electric Charging Points meets the Council SPD of Air Quality in respect of the 15 spaces to be provided for the proposed store. A condition has been attached requiring details of the new charging points as well as the details of infrastructure to allow further points at a later date.

#### General amenity

Policy SP52 states: *"Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity"*. It further states that when determining an application consideration will be given to, amongst other things, *"...the potential noise likely to be generated by the proposed development..."*

Paragraph 130 of the Framework states: *"Planning policies and decisions should ensure that developments... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard*

*of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

It is also of note that criteria (c) of SP11 ‘Development in Residential Areas’ outlined above would be relevant in this instance.

The nearest residential properties are across Outgang Lane to the north as well as the OAP home at the rear. The proposed shop is set within the grounds of the former pub and adjacent to a wooded area of buffer landscaping. As such, it is not considered that the construction and operation of the shop will harm neighbouring amenity. The additional parking area to be constructed at the rear of the public house is an overflow parking area for the pub set 15m off the rear elevation of the OAP home which is considered acceptable.

In terms of the proposed hours of opening, the public house has no current control over its opening hours. The proposed hours of opening and deliveries for the shop are considered acceptable in this location and would be controlled by way of planning conditions.

In view of the above it is considered that the proposed development would be in accordance with adopted Local Plan Policy SP11 ‘Development in Residential Areas’, but also the requirements set out in Local Plan policy SP52 ‘Pollution Control’ and paragraph 130(f) of the National Planning Policy Framework.

#### Drainage and Flood Risk

The site does not fall with a Flood Risk Area but does suffer from surface water flooding risk. As such a condition has been attached to ensure that details of foul and surface water drainage is provided to ensure that the surface water flooding issue is not exacerbated, and that permeable surface are used as well sustainable drainage techniques.

#### Landscape and Trees

Policy CS19 ‘Green Infrastructure’, states in part that “Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

b) Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.”

Additionally, Policy CS21 ‘Landscapes’, states, in part, that: “New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes by ensuring that landscape works are appropriate to the scale of the development, and

that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.”

The submitted tree survey indicates one tree will need to be removed from site to facilitate the development, with four replacement trees to compensate, as well as protective fencing to protect those other trees on site.

As such subject to the conditions, the impact upon trees is acceptable and the replacement landscaping will ensure biodiversity enhancement.

## **Conclusion**

The principle of the development of this local convenience store within an allocated residential area is acceptable and the applicant has demonstrated that the proposed design is acceptable as well as the proposed parking, landscaping and highway safety. Furthermore, the proposal will not be detrimental to the adjoining Public House in terms of harming its viability.

Overall, it is considered that the proposed development is in accordance with the policies of the Development Plan and it is therefore recommended that planning permission be granted subject to the following conditions.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning

conditions that require particular matters to be approved before development can start. Condition 16 of this permission require matters to be approved before development works begin; however, in this instance the condition is justified because:

The works required under condition 16 are fundamental to the acceptability of the development and it would be inappropriate to allow the development to proceed until the works required under condition 16 have been implemented.

01

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

Reason

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

02

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

(Amended Layout Plan 10.00 Rev I) (Received 02 September 2022)  
(Proposed Landscape Plan 10.05 Rev D) (Received 02 September 2022)  
(Streetscene Context Plan 10.04 Rev A) (Received 16 May 2022)  
(Floor Plan 10.01 Rev D) (Received 16 May 2022)  
(Elevations 10.03 Rev A) (Received 16 May 2022)  
(Roof Plan 10.02 Rev A) (Received 16 May 2022)

Reason

To define the permission and for the avoidance of doubt

03

The building hereby approved shall be used as a retail store, Use Class E(a), only and for no other purpose (including any other purpose in class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987(as amended)).

Reason

The premises are not considered suitable for general use within the Class quoted  
for policy reasons and in accordance with the NPPF

04

The net sales floor area of the store hereby approved shall not exceed 280sqm.

Reason

For the avoidance of doubt and in accordance with the information submitted in support of the application to comply with Local Plan policies and the NPPF

05

No above ground 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

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Local Plan policy.

06

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

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



The area shall thereafter be maintained in a working condition.

Reason

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

07

Before the development is brought into use the car parking areas shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

08

Before the development is first brought into use details of the electric charging points to be installed shall be submitted to and approved by the Local Planning Authority. The details shall also include how additional charging points will be provided on site at a future date. The approved details shall be brought into use prior to the store being brought into use.

Reason

In order to promote sustainable transport choices, and in accordance with Local Plan policies.

09

The store hereby permitted shall only be open to customers between the hours of 06:00 – 23:00.

Reason

In the interest of residential amenity of the occupiers of nearby properties in accordance with Local Plan policies and the NPPF.

10

There shall be no deliveries to or dispatches from the site outside the hours of 08:00 and 21:00.

Reason

In the interest of residential amenity of the occupiers of nearby properties in accordance with Local Plan policies and the NPPF.

11

A waste management and recycling plan setting out how waste will be stored and collected during the construction and lifetime of the store shall be submitted to and approved in writing by the Local Planning Authority. The

approved measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason

To ensure appropriate waste management facilities are provided to accommodate all waste generated by the proposed store in line with the Barnsley, Doncaster and Rotherham Joint Waste Management Plan.

12

No noise generating plant including mechanical ventilation or refrigeration/air conditioning, extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014 +A1:2019 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve no more than 0dB(A) above the prevailing background levels, outside the boundary of the nearest noise sensitive property during the quietest measured period.

Reason

To safeguard the amenities of the occupiers of nearby properties

13

The additional security measures to protect the Public House as set out in the submitted Statement on the Future Viability of the Squirrel Public House, shall be undertaken prior to the store being brought into use.

Reason

In order to protect the Important Community Facility.

14

No above ground development shall take place until details of the foul and surface water and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. The approved works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

Reason

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

15

Landscaping of the site as shown on the approved plan (Proposed Landscape Plan 10.05 Rev D.) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be

carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

16

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations This shall be positioned in accordance with the submitted Ecourban Tree Survey (221452 - AIA 3). The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

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

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.