

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
4TH OCTOBER 2018**

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.

INDEX PAGE

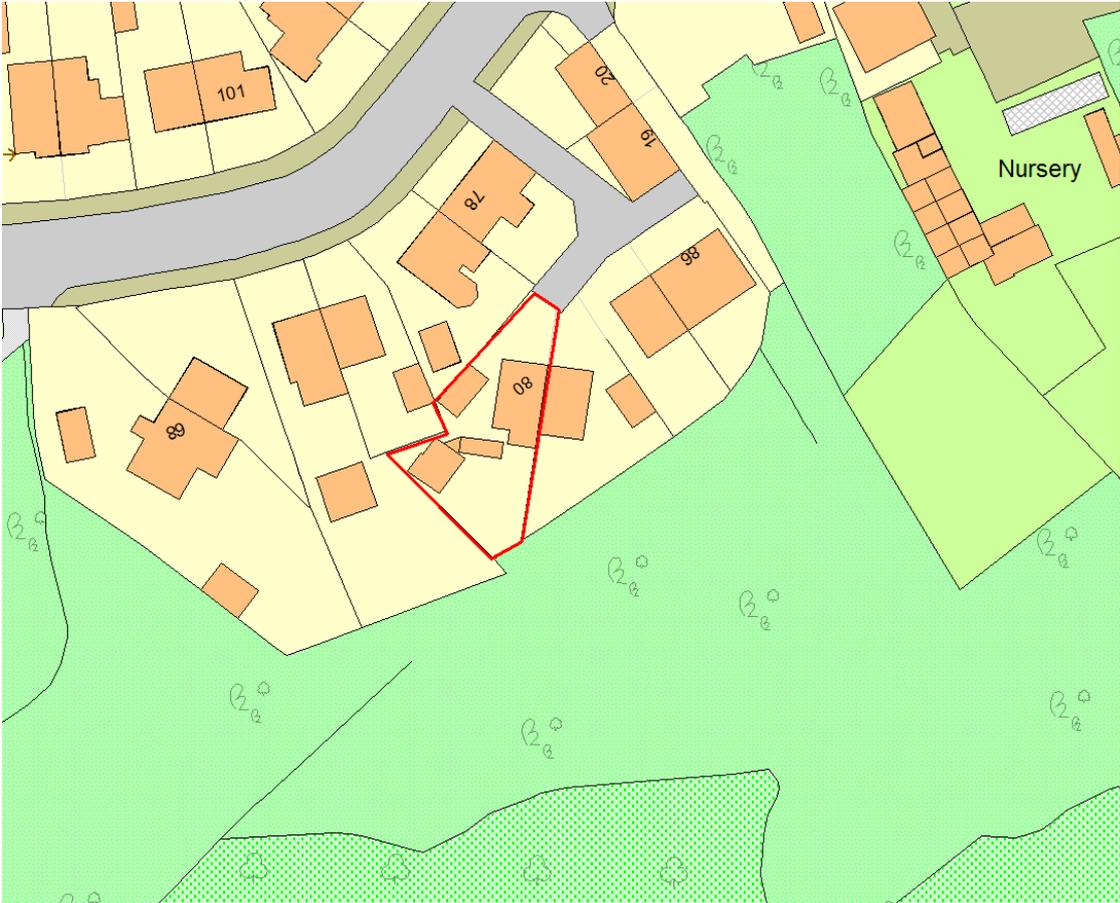
RB2018/1032 Two storey & single storey side and rear extension, with Juliet Balcony to rear at 80 West Hill Kimberworth for Mrs & Mr Ackroyd	Page 53
RB2018/1093 Erection of 2 No. industrial/office units with associated car parking & external works at land at Harrison Street Holmes for Technical Cranes Ltd	Page 61
RB2018/1134 Demolition of existing teaching block, bridge link & gym and erection of teaching block, link and associated works at St Bernards Catholic High School Herringthorpe Valley Road Herringthorpe for Engie	Page 83
RB2018/1299 Erection of toilet block to side & canopy to front at 131 Bawtry Road Wickersley for Mr Baker	Page 93

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 4TH OCTOBER 2018

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

Application Number	RB2018/1032
Proposal and Location	Two storey & single storey side and rear extension, with Juliet Balcony to rear at 80 West Hill, Kimberworth, Rotherham, S61 2EY for Mr and Mrs Ackroyd
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site is located in a backland location behind a row of properties that front the main West Hill. The property is one of three pairs of semi-detached houses constructed in the late 1980s / early 1990s.

To the rear of the property is a large area of grassland which runs all the way down to Meadowhall Road. To the north of the site are the rear elevations of nos. 76 and 78 West Hill. To the west is the rear of nos. 72 and 74 West Hill.

The host property sits at an angle to the private drive and the site is of a triangular form, whereby it increases in width from front to back. The property at the front is open with no boundary treatment; the property has a bay window feature to the front and a small off-shot on the rear elevation adjacent the boundary with no. 82 West Hill. There is a detached garage that runs along the party boundary with nos. 76 and 78 West Hill.

Background

There has been one previous planning application submitted relating to this site:

RB1987/0502 – Erection of 3 no. pair of semi-detached houses – Granted conditionally

Proposal

The application is for the addition of a two-storey & single-storey side and rear extension, with Juliet balcony to rear.

The single storey side element of the extension is set back from the front of the dwelling by approximately 3.9 metres and would be 1 metre wide. The two storey side element would be set a further 1 metre back from the front of the dwelling and would be 1.9 metres wide. The extension then projects beyond the existing rear building line by 3 metres and the single storey rear element would occupy the whole of the rear elevation, while the two storey rear element would project 1 metre out along the party boundary before returning so that the rest of its projection would be 2 metres from the party boundary.

The single storey elements would have mono-pitch roof and the two storey elements would have a dual-pitch roof with a Juliet balcony feature in the rear elevation at first floor.

The extension is proposed to be constructed in materials similar in appearance to the original dwelling.

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):

CS28 'Sustainable Design'
SP55 'Design Principles'

Other Material Considerations

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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

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

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

The revised NPPF came into effect on July 24th 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties. 4 letters of representation have been received, along with a petition with 7 individual signatures. The issues raised are summarised below:

- The proposal will limit the natural sunlight to the rear of our house and garden.
- It would reduce the valuation and possible sale of our property due to lack of natural light and reduction of the view from the rear of the property.
- Potential disruption on the front of the property whilst the construction of the extension is taking place and potential damage to private driveway.
- Potential health risk.
- The property is in close proximity to our boundary and rear elevation.

Consultations

RMBC – Transportation and Highways Design:

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 the impact of the proposed development on:

- i) the character and appearance of the host property and its setting in the streetscene; and
- ii) the amenity of neighbouring residents

Impact on host property and streetscene

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."

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

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or styles in plans or supplementary planning documents."

In addition policy 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 Councils' adopted IPG 'Householder Design Guide' states: "The size and design of extensions should be subsidiary to the existing dwelling and allow the original building to remain dominant. Matching roof styles should be used in any new extension proposals. It is important that an extension is in proportion with the existing house. It should not dominate the house by being bigger or higher or set much further forward."

Further to the above it is noted that the IPG for adding two storey side extensions states they should be set back a minimum of 500mm and provided with a lower ridge line, while being no more than half the width of the original dwelling. In addition for two storey rear extensions it states, amongst other things, that they should not be

disproportionate to the host property and in general should not exceed 3m if close to a shared-boundary, while having a roof design similar to the host property.

In respect of the two storey side element it would be set more than 500mm back from the front of the dwelling, would be provided with a lower ridge line and would be no more than half the width of the original house. Accordingly, it would comply with the guidance outlined in the Council's adopted IPG and given its size, scale, form, design and siting it would not dominate the house or introduce an incongruous feature in the streetscene. As such the two storey side element would comply with the relevant policies and guidance outlined above.

Furthermore, the two storey rear element would not represent a disproportionate addition to the dwelling as it would not exceed a projection of 3 metres and the main part of the first floor element would be approximately 2 metres from the party boundary with no. 82 West Hill. It is therefore considered that given its size, scale, form, design and siting, the two storey rear element would comply with the requirements of policies and guidance listed above.

With regard to the above, it is acknowledged that the single storey side and single storey rear elements raise no design issues and would be in full compliance with the guidance outlined in the adopted IPG and the policy requirements detailed in this section. Furthermore, the Juliet balcony represents an acceptable feature on this dwelling and it too raises no design issues.

In light of the above, it is considered that the proposal represents an acceptable and appropriate addition to the dwelling and its site and would not detrimentally affect the character or appearance of the host property or the streetscene. Accordingly, the application is in compliance with the NPPF, policies SP55 and CS28 and the adopted IPG.

Impact on amenity of neighbouring residents

Paragraph 127 (f) of the NPPF states planning decisions should ensure that developments create a high standard of amenity for existing and future uses.

The Council's adopted IPG states that in general the Council will take account of the orientation and position of neighbour's windows in relation to extensions and they should not significantly reduce the amount of sunlight and / or daylight casting a shadow over private amenity space or entering the window of a habitable room. Furthermore, it states an extension should not have an overbearing effect on the neighbouring property or an unreasonable effect on its outlook.

More specifically the adopted IPG in respect of two storey side extensions states that they should not come within 12m of a ground floor principle habitable room window of a neighbouring property. In respect of two storey rear extensions the IPG states they should be designed so as not to come within a 45 degree angle of the nearest neighbouring rear elevation habitable room window, and the Council will protect the outlook from a habitable room window for up to 10m. Furthermore, it states that for the purposes of privacy and avoiding an 'overbearing' relationship, a minimum distance of 21m between facing habitable room windows and 10m from a habitable room window to

a neighbour's boundary should be maintained and such an extension should not come within 12m of a ground floor habitable room window of a neighbouring property.

Whilst the two storey side element of the proposal would be sited in close proximity to the party boundaries of properties to the west and north on West Hill, these properties do not directly overlook the application site or directly face the side elevation of the extension. As such habitable room windows of properties to the west and north are orientated so that they are at an angle to the side elevation and if a straight line is taken from the neighbouring habitable windows the direction misses the extension and if arched round the extension would be between 10m and 12m away. It is considered that by virtue of the orientation of the site, its relationship with and distance to neighbouring properties the extension would not appear overbearing or oppressive when viewed from neighbouring properties and would not affect the outlook from the rear of properties to the north and west. Furthermore, in light of the above the extension would not result in the overshadowing of private rear amenity spaces of habitable room windows.

A plan has been submitted that shows no part of the first floor of the two storey rear extension would come within a 45 degree line when measured from the centre of the nearest first floor habitable room window of no. 82 West Hill. Therefore the extension would not adversely affect the outlook from no. 82 West Hill and would not appear overbearing or oppressive. Furthermore, by virtue of its size, scale, form and design, together with the orientation of the site it would not result in significant overshadowing of no. 82's habitable room windows.

In addition, in respect of the Juliet balcony feature, as there are no properties to the rear it would not give rise to any overlooking or privacy issues.

The issue of impact on neighbouring properties in respect of affecting light and proximity to neighbouring properties has been raised by a number of the residents. However having weighed up the arguments of the neighbours against the planning policies and guidance, it is considered that on balance the proposed development would be in full compliance with the relevant planning policies and guidance in respect of amenity and notwithstanding the comments raised there are no reasonable reasons to refuse the application on amenity grounds.

Other considerations

The issues raised by neighbours in respect of the impact of the extension on their amenity have been addressed above and these are material planning considerations.

In respect of impact on property values, it should be noted that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. The basic question when determining an application is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Conclusion

In light of the comments raised by neighbours, whilst noted and taken account of, they are not significant enough to warrant a refusal of this scheme and do not outweigh the fact that the proposal would be in full compliance with the requirements of the relevant adopted Local Plan policies, the Council's adopted IPG and paragraphs of the NPPF. Therefore, notwithstanding the neighbours' concerns the application is 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 as shown on the approved plans (as set out below)

P540.1, received 23 June 2018

P540.3, received 23 June 2018

BR540.OS, received 25 July 2018

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

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

04

The window(s) on the elevation of the two storey side extension facing nos. 74 and 76 West Hill shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

Informatives

01

You have indicated on the application form, by completion of Certificate A on the certificate of ownership form, that nobody except the applicant was the owner of any

part of the land to which the application relates. As such, no part of the building, including foundations or guttering, should project over the boundary of your property.

02

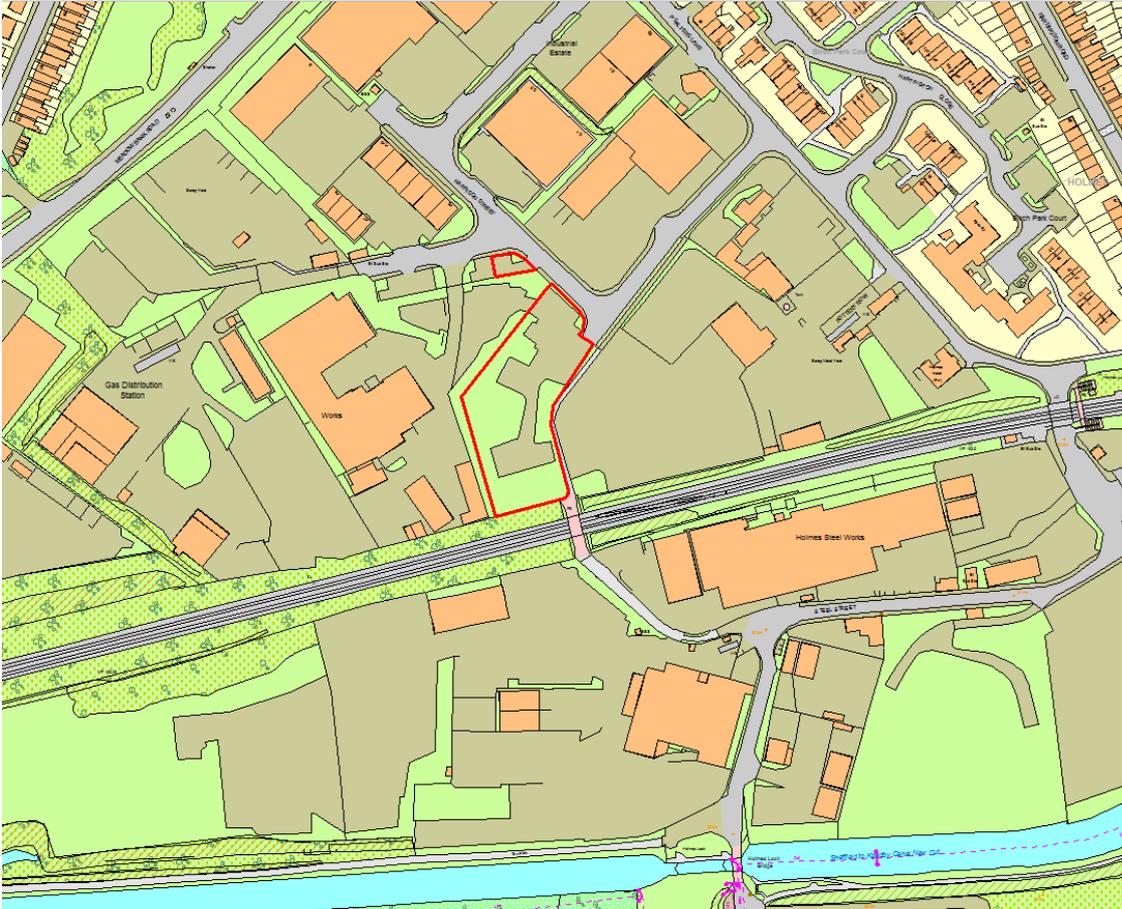
You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure 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.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/1093
Proposal and Location	Erection of 2 no. industrial / office units with associated car parking & associated works (use class B2) at land at Harrison Street, Holmes, Rotherham, S61 1EE for Technical Cranes Ltd.
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as it does not fall within the scheme of delegation for major development due to its size and scale.



Site Description & Location

The application site is accessed off Harrison Street which services the surrounding Meadowbank industrial estate. The site slopes down from northeast to southwest and is enclosed by a public footpath on the eastern boundary. On the southern boundary in a cutting with a large stone retaining wall supporting the site, runs the main railway line into Rotherham. On the western boundary adjacent to the site is a recently constructed single storey industrial building running parallel to the boundary.

The site at present is used by Technical Cranes to store old cranes and steelwork.

The surrounding buildings are all industrial and elevational treatments use mainly profiled steel or asbestos cement cladding with some old red common brickwork. Roofs are clad in profiled steel with predominantly grey colours.

Background

There have been several planning applications submitted relating to this site:

RB1980/3640 – Outline for industrial / warehouse nursery units (renewal of R76/498) – Granted conditionally – 19 February 1981

RB1981/0636 – Details of industrial / warehouse nursery units (reserved by R80/3640) – Granted conditionally – 20 May 1981

RB1989/0364 – Erect building for storage & cleaning vehicle parts & office accommodation – Granted conditionally – 3 July 1989

RB1997/0088 – Erection of workshop and office accommodation and erection of 2.4 metre high security fencing – Granted conditionally – 20 March 1997

Proposal

The application is to construct two separate building on the site; one will have the offices and machining workshop and the other the fabrication workshop in association with the applicants business.

The office / machine shop building would be sited close to the front boundary of the site and provide 272 sq. metres of office space on two floors and a machine shop of 358 sq. metres. The building would be 7.6 metres high and be constructed with brickwork to the front and part of the side at ground floor with horizontal cladding above where the office accommodation would be and vertical cladding to the rest of the building. The brickwork is proposed to be of a buff colour and the cladding would be grey with blue edging. A large glazing element would be provided in the front elevation facing Harrison Street along with other windows. The entrance door to the office space would be in the side elevation facing southeast, with openings at first floor, a pedestrian door would be inserted for access to the machine shop in the southeast elevation. The northwest elevation would have no openings, while a large roller shutter and pedestrian door would be sited in the southwest elevation.

The fabrication building would be sited to the rear of the site and would occupy the full width of the site. It would be constructed in grey cladding with some brickwork to enable the floor to be level. The building would be 789 sq. metres with a pitch roof 8.7 metres high. Two large roller shutters would be included in the northeast facing elevation.

The proposed development will utilise the existing road entrance for access and new drainage and car parking / vehicle circulation areas will be constructed. 29 no. car parking spaces will be provided along with a cycle shelter.

There will be an area for 3 no. skips to be sited to the southeast boundary and a further skip would be located in front of the fabrication building.

The site will have some soft landscaping to the boundaries along with additional palisade fencing to match the existing.

The rear and side elevation of the Workshop building has been built up to allow the floor level of the vehicle access to have a reasonable gradient allowing for loading and unloading of materials and drainage to fall to a sewer on the front of the site.

The new buildings have been designed to be similar in style and scale to the surrounding buildings on site, with a mixture of brickwork and cladding.

Technical Cranes Ltd already own and use the site for storage, after construction of the buildings they will be transferring their existing workforce of 9 office staff, 12 workshop based workers and 12 external site based engineers, to this site. Their existing buildings will be rented out to other companies. This site will be used for the manufacture and refurbishment of overhead cranes and gantry steelwork.

There will be no external storage of materials.

In support of the application the following documents have been submitted:

Design and Access Statement

The statement provides details of the proposal, the site, the socio-economic impact of the proposal, planning policy requirements and design of the scheme.

Phase 1 Geotechnical & Geo Environmental Report

The report provides preliminary geotechnical and geo-environmental information pertinent to the redevelopment of the site for the stated end use. The assessment undertaken includes potential sources of historical ground contamination and anticipated impacts on sensitive receptors.

Coal Mining Report

The report is based on and limited to the records held by the Coal Authority and the Cheshire Brine Subsidence Compensation Board's records. It provides details on past, present and future underground coal mining and past, present and future opencast coal mining

Waste Management Plan

The WMP provides details on the levels of waste from the proposed use of the site and how they will be treated.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

CS9 'Transforming Rotherham's Economy'
CS19 'Green Infrastructure'
CS20 'Biodiversity & Geodiversity'
CS21 'Landscape'
CS24 'Conserving and Enhancing the Water Environment'
CS25 'Dealing with Flood Risk'
CS26 'Minerals'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
SP16 'Land identified for Industrial and Business Uses'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP43 'Conserving and Recording the Historic Environment'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

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

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

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

The revised NPPF came into effect on July 24th 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

Consultations

RMBC – Transportation and Highways Design: Have no objections subject to conditions.

RMBC – Landscape Design: Have no objections.

RMBC – Environmental Health: Have no objections subject to conditions.

RMBC – Drainage: Have no objections subject to conditions.

RMBC – Air Quality: No objections

RMBC – Ecologist: Have no objections.

The Coal Authority: Have no objections subject to condition.

Health and Safety Executive: Have no comments to make.

Network Rail: Have no objections subject to conditions.

South Yorkshire Archaeological Service: Have no objections.

Appraisal

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

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

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

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

- The principle of the development
- Impact of development on the character and appearance of the area
- General Amenity Issues
- Transportation Issues
- Drainage
- Ecology
- Landscapes
- Coal Mining
- Minerals

Principle

The site is allocated for industrial and business use in the Local Plan. Policy SP16 'Land Identified for Industrial and Business Uses' states: "Within areas allocated for industrial and business use on the Policies Map, development proposals falling within

Use Classes B1b, and B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposal satisfy the requirements of Core Strategy policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy."

The proposed use of the buildings will predominantly be B2, which are supported in this land use allocation. However, the proposal also includes B1a office space. The policy outlined above supports such uses in this location where they are ancillary to the main use on site, or where Policy CS12 can be satisfied in terms of the sequential and, if necessary, impact tests.

Accordingly, consideration needs to be given to whether the office element of the scheme is ancillary. The offices comprise approximately 19% of the total floorspace and appear to be for use in relation to the proposed business as opposed to use by other businesses. It is therefore considered that the office use would be ancillary in this instance to the main B2 use and the principle of development is acceptable that complies with policy SP16.

Further to the above policy CS9 'Transforming Rotherham's Economy' states, amongst other things, that Rotherham's economic performance and transformation will be supported by protecting viable employment sites and supporting the regeneration and intensification of previously developed land. The current proposal will bring into use a derelict brownfield site and provide job opportunities within the area that ensures the scheme complies with policy CS9.

Therefore with regard to the above the proposed use of the site fully complies with the land use allocation of the site and the proposal will bring into use a vacant brownfield site that will provide job opportunities. As such the principle of the development is considered to be acceptable.

Impact on character and appearance of the area

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."

The NPPF at paragraph 124 echoes the above and states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking account any local design standards or style guides in plans or supplementary planning documents."

In addition, 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 site is located within an existing industrial estate and is currently vacant of any buildings but is covered in hardstanding that has been left in a dilapidated state, with

weeds and shrubs growing through. In addition, the boundary treatment is of a poor condition. As such the site has a negative effect on the character and appearance of the immediate locality.

The proposed scheme will introduce two large buildings, one an industrial building located to the southern end of the site and occupying the site's full width, and the other an industrial and office building which would occupy the north-eastern part of the site and run along the north-west boundary. Its front elevation would sit close to the north-east boundary of the site and would be prominent when viewed within the industrial estate.

The building to the south of the site is of a standard industrial building design with brick plinth and steel cladding under a pitched roof. The office / industrial building will have brick plinth with horizontal steel cladding to the other element and vertical steel cladding to the industrial part of the building.

The rest of the site will have hardstanding for parking and manoeuvring and soft landscaping on the perimeter of the site.

It is considered that the site has been sympathetically laid out with appropriate parking spaces and soft landscaped areas. Accordingly, the proposal would not represent an overdevelopment of the site.

With regard to the design of the buildings, it is acknowledged that they must be practical and whilst of no real architectural merit they have been designed in a way that ensures they meet the requirements of the applicant's business needs. In addition, their size, scale, form, appearance and materials have been designed with regard to the character of the area and the appearance of similar neighbouring industrial / office buildings.

It is therefore considered that the proposed site layout and buildings represent an appropriate form of development that will positively contribute to the local character and will significantly enhance the appearance of this rundown site and the quality of the wider industrial estate. Accordingly, the proposal would be in full compliance with paragraph 124 of the NPPF and Local Plan policies CS28 and SP55.

Further to the above it should be noted that part b of policy SP57 'Sustainable Construction' requires proposals to meet the relevant BREEAM 'very good' standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable. However, despite the total floorspace of the two buildings exceeding 1,000 square metres, individually they do not and as such they do not need to meet BREEAM 'very good' standards or better. Nevertheless, the buildings hereby proposed will be constructed with a highly insulated external envelope above current Building Regulation standards to ensure a good quality, sustainable design.

Accordingly, the proposal will raise no design issues and would comply with the relevant paragraphs of the NPPF and Local Plan policies.

General Amenity issues

Paragraph 127(f) of the NPPF states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

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

In respect of amenity there are two elements to consider:

- i) the impact of the building on the amenity of neighbouring occupants; and
- ii) the impact of the proposed use on the amenity of neighbouring occupants

With regard to impact on the neighbouring occupants, the immediate surrounding area is characterised with other industrial and commercial uses, the nearest residential property is located on Psalters Lane approximately 130 metres away from the site. Therefore in respect of the built form of the development there would not be any impact on the amenity of those residents as it would not be readily viewed from their properties.

With regard to the proposed use of the building and site, there is to be no external storage or working as all the processes will be restricted to the buildings. In addition, the business would only operate within the hours of 0600 and 1800 Mondays to Fridays and 0600 and 1200 at weekends.

It is considered that given the hours of operation, the distance to residential properties, the character of the area and the nature of the business hereby proposed, the use of the site will not impinge on the amenity of neighbouring residents in respect of noise, general disturbance or other pollution.

Accordingly, it is considered that both the built form and proposed use will have no issues on the amenity of neighbouring residents and would result in a development in compliance with paragraph 127(f) of the NPPF and adopted Local Plan policies CS27 and SP55.

Transportation issues

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

- a) as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate..."

The proposed development proposes an appropriate amount of car parking spaces within the site for the size of the buildings and number of proposed staff. In addition, the proposed site layout shows there is sufficient turning and manoeuvring space for both cars and larger delivery vehicles that will frequent the site. It is also noted that in respect of promoting non-car transport modes the site shows an area of dedicated cycle parking spaces within a standard covered cycle shelter.

In light of the above it is considered that the proposal will comply with the requirements of policy SP26 and will also comply with the Council's adopted Parking Standards. Accordingly, for the reasons outlined above the proposal would not give rise to any highway issues that would affect the flow of the local highway network or the safety of those who use the local network.

Drainage

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

Policy SP47 'Understanding and Managing Flood Risk and Drainage' states: "The Council will expect proposals to:

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

The flood risk for this site is small so there are no objections in principle to the proposal from a drainage perspective.

However, it is classed as a major application and no information about the proposed drainage of the site has been submitted to support the application at this stage.

A drainage scheme is shown on the site layout plan with a connection to the Yorkshire Water combined sewer, but there is a surface water sewer nearby to which a connection may be possible. If this is the case, a connection to the combined sewer would not be permitted.

There is attenuation shown on the drawing but it appears very small considering the impermeable area and the proposed greenfield runoff restriction. No calculations have been provided.

It is also of note that there is an archived drawing which Drainage colleagues have that shows a 375 mm combined sewer crossing the site. Although, it is likely this may have been diverted/abandoned as it is not shown on Yorkshire Water's current records, but the applicant is advised to investigate whether this sewer still exists and/or is currently live.

Notwithstanding the above, it is considered that subject to suitable conditions seeking the submission of full drainage proposals for the site to be agreed before works commence there would be no significant drainage issues arising from this development and it would comply with the requirements of the NPPF and Local Plan policies outlined above.

Ecology

The site is within the Don Green Infrastructure area.

Policy CS19 'Green Infrastructure' states: "Rotherham's network of Green Infrastructure assets...will be conserved, extended, enhanced, managed and maintained throughout the borough..." In addition, policy SP32 'Green Infrastructure and Landscape' states: "The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to needs of future occupants and users."

Further to the above, policy CS20 'Biodiversity and Geodiversity' states: "The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species." In addition, policy SP33 'Conserving the Natural Environment' states: "Development should conserve and enhance existing and create new features of biodiversity and geodiversity value."

Paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

The nearest Local Wildlife Site is the Sheffield & South Navigation which is 168m due south, Centenary Riverside is 860m to the south-east and Blackburn Meadows is 220m due south.

The site is separated from the Sheffield & South Navigation and Blackburn Meadows by an active railway line and neither will be affected by the works. In addition to the above there are no ancient woodlands that will be affected by the works.

The site is not within a bat constraint zone and given character of the site as a brownfield site. The active railway line to the south is lined by trees and other vegetation and consequently forms a green corridor. However, it is considered unlikely that the application site is used by any protected or principal species.

It is considered that the proposal would not adversely impact on the Green Infrastructure corridor and would comply with policies CS19 and SP32. Furthermore, subject to the landscaping scheme including the planting of native tree and shrub

species the proposal will provide a biodiversity gain and would subsequently comply with the requirements of policies CS20 and SP33 and paragraph 170 of the NPPF.. Therefore, the proposed development would raise no ecological issues.

Landscapes

The applicant has provided a brief landscape layout showing the areas of hard and soft landscaping within the site, but with little information in respect of species and details of materials.

Policy CS21 'Landscape' states: "New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."

With regard to the above the proposed 'landscape' areas appear to be a sensible use of otherwise functionless parts of the site, which is also proportionate to the scale of development and the character of the area. In addition the landscape areas, subject to native trees and shrubs being planted will maximise the biodiversity gain and provide ecological benefits within an otherwise built up industrial area.

It is also considered that the introduction of soft landscaping within the site will help soften the impact of the development within the area and will enhance the quality, character, distinctiveness and amenity value of the immediate surrounding area.

In light of the above it is considered that the proposed development, subject to an appropriate detailed landscape masterplan being submitted detailing, the size, location and type of tree / shrub to be planted, the proposal would be in compliance with policies CS21 'Landscape' and SP32 'Green Infrastructure and Landscape' of Rotherham's adopted Local Plan.

Coal Mining

The Coal Authority concurs with the recommendations of the Phase 1 Geotechnical & Geo-Environmental Assessment; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Therefore, should planning permission be granted for the proposed development, a condition should be imposed requiring the following prior to the commencement of development:

- The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works for approval; and
- The implementation of those remedial works.

In light of the above the Coal Authority has no objection to the proposed development subject to the imposition of a condition to secure the above.

Minerals

The site falls within the sand and gravel Mineral Safeguarding Area as defined on the Policies Map. The proposal will therefore be required to satisfy part 1 of policy CS26 'Minerals'. This indicates that all non-mineral development proposals within the Mineral Safeguarding Areas will be encouraged to extract any viable mineral resources present in advance of construction where practicable, and where this would not have unacceptable impacts on neighbouring uses.

The applicant in order to demonstrate how the criteria at part 1 of policy CS26 has been satisfied has stated that the site is too small to be able to economically extract any of the minerals from below the ground, its shape and proximity to the railway line with large retaining walls adding to the complexity of carrying out such an exercise. The buildings are to be built on piled foundations so no major earthworks will be taking place.

In light of the above it is considered that the requirements outlined within policy CS26 have been satisfied.

Other considerations

The site is in close proximity to a railway line; as such the views of Network Rail have been sought in respect of the potential impact of the development both during construction and throughout its life on the neighbouring railway line. Network Rail has indicated that subject to conditions there should be no impact on Network Rail's infrastructure.

Policy SP43 'Conserving and Recording the Historic Environment' indicates that for sites such as this which have not been assessed as part of previous archaeological scoping studies, a Heritage Statement will be required if development would affect a known or potential heritage asset. There are no heritage assets within or close to the site and South Yorkshire Archaeology Service have confirmed there are no issues with the proposal.

Furthermore, the Council's Air Quality officer has confirmed that the proposed development would not have any increased impact on Air Quality in the area that would exceed local and national levels.

Finally, policy WCS7 'Managing Waste in All Developments' of the Joint Waste Plan states all development proposals (excluding minor planning applications) must submit a waste management plan as part of the planning application. The applicant has provided a draft Waste Management Plan for the site and the information contained within is considered to be acceptable to satisfy policy WCS7.

Conclusion

Having regard to the above it is concluded that the proposed development 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

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 08, 09, 13, 14 and 19 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 08, 09, 13, 14 and 19 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

Location Plan, received 29 June 2018

02, rev D, received 13 August 2018

05, rev B, received 13 August 2018

06, rev B, received 13 August 2018

07, rev B, received 13 August 2018

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 shown on drawing nos. 05 rev B and 06 rev B. The development shall thereafter be carried out in accordance with these details.

Reason

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

Highways

04

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.

05

Before the development is brought into use the car parking area shown on the submitted 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.

Landscapes

06

Prior to the site being brought into use, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

07

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

Coal Mining

08

Prior to the commencement of development a scheme of intrusive site investigations shall be carried out and a report of the findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works shall be submitted to and approved by the Local Planning Authority. The approved remedial works shall be implemented on the site before works commence.

Reason

To properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity.

Land Contamination

09

Subject to the findings of the desktop study a Phase II Intrusive Site Investigation should be undertaken to assess both the potential geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10

Upon production of the Phase II report a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12

Following completion of any required remedial/ground preparation works a Verification Report should be forwarded to the Local Authority for review and comment. The Verification Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Network Rail

13

All surface and foul water drainage from the development area must be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which shall be submitted to and approved in writing by the Local Planning

Authority before construction starts on site. The approved details shall be implemented before the site is brought into use.

Reason

For the safety, operational needs and integrity of the railway.

14

Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted to and approved by the Local Planning Authority. The works shall only be carried out in accordance with the approved details before the site is brought into use.

Reason

To ensure the development does not affect the rail network.

15

Prior to the site being brought into use details of trespass proof fencing, a minimum of 1.8 metres high, on boundaries adjacent the railway to prevent trespassing onto the railway shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the site is brought into use and shall be thereafter be maintained.

Reason

To secure the site and prevent trespassing on the adjacent rail network.

16

If vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Reason

For the safety, operational needs and integrity of the railway.

17

The applicant shall install any external lighting to the site to meet the guidance provided by the Institute of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution" This is to prevent obstructive light causing a hazard to train drivers. This guidance is available from the Institute of Lighting Engineers, telephone 01788 576492.

Reason

For the safety, operational needs and integrity of the railway.

Restrictions

18

The use hereby permitted shall only operate and be open for deliveries between the hours of 0600 and 1800 Mondays to Fridays and 0600 and 1200 on weekends.

Reason

In the interests of the amenities of the occupiers of nearby dwellings.

Drainage

19

Development shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

To ensure the development can be properly drained.

20

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse.

Informatives

01

In terms of the construction phase except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

02

Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

03

Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such

times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

04

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

05

There shall be no burning of any waste items including green waste on the application site at any time. The disposal of refuse by burning is an offence unless carried on under, and in accordance with, a waste management licence issued by the Environment Agency. All waste shall be removed by a licensed carrier and the relevant paperwork sought and retained. This is a legal requirement.

If you are permitted to have bonfires, you must ensure that any smoke produced does not cause a nuisance to neighbours. If a nuisance is witnessed, or if it is likely to occur, then Neighbourhood Enforcement would be required to serve an Abatement Notice upon you, prohibiting any further smoke nuisance. Failure to comply with an Abatement Notice without reasonable excuse is an offence.

06

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 and a separate application for advertisement consent may be required.

07

With regard to the formulation / implementation of a local employment strategy, advice can be sought from the Academy of Construction Trades on 01709 709525.

08

Network Rail – Drainage

- Water must not be caused to pond on or near railway land either during or after any construction-related activity.
- The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.
- The construction of soakaways within any lease area is not permitted.
- The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.
- The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow

conditions should be submitted to Network Rail for approval prior to any works on site commencing.

- If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.
- The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.
- There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.
- No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.
- There must be no interfering with existing drainage assets/systems without Network Rail's written permission.
- The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

09

Network Rail – Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

10

Network Rail – Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

11

Network Rail – Method Statements / Fail Safe / Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

12

Network Rail – OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

13

Network Rail – Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

14

Network Rail – Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

15

Network Rail – Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

16

Network Rail – Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its

boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

- Acceptable: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata “Zebrina”
- Not Acceptable: Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

17

Network Rail – Access to Railway

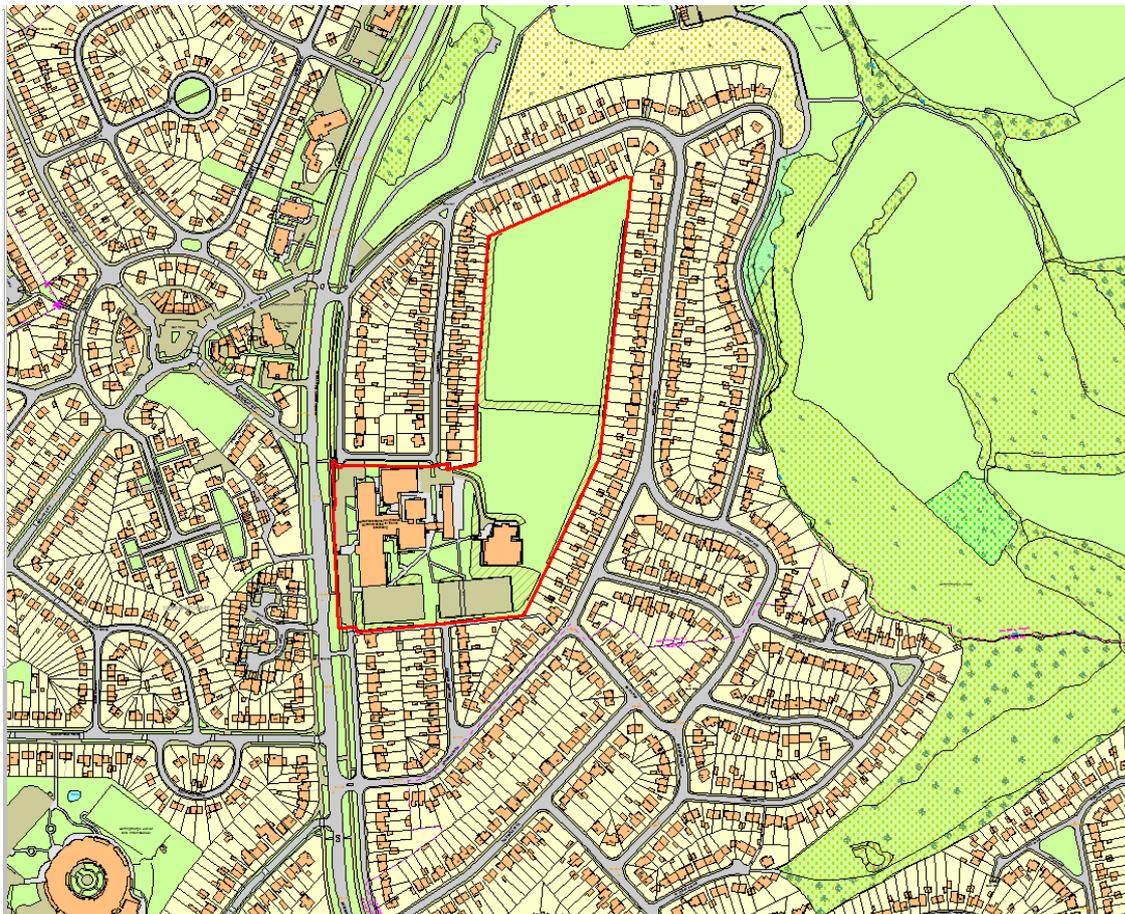
All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access to the adjoining railway footbridge must remain clear and unrestricted at all times both during and after construction.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/1134
Proposal and Location	Demolition of existing teaching block, bridge link & gym and erection of teaching block, link and associated works, St Bernards Catholic High School, Herringthorpe Valley Road, Herringthorpe S65 3BE
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



Site Description & Location

The site of the St Bernard’s Catholic High School has been used for education (Use Class D1) purposes for many years and is allocated for community facilities retained in the Local Plan.

The site specifically relates to one of the existing school buildings which is identified as Block E in the submitted site plan. Block E appears to be one of the original school building as indicated on historic maps and is surrounded by other school buildings.

The building is not listed and is not within a Conservation Area; there are no trees protected by TPOs in the immediate vicinity and the site is not at risk of flooding.

Background

St Bernard's School was originally constructed in 1957. There have been various extensions and alterations with a new detached sports hall being approved in 2009 and two modular classroom units approved in 2013.

Proposal

The proposal is to demolish the existing 4 storey building which lies in the central area of the site and erect a new replacement building adjacent to Block E. It is then subsequently intended to demolish Block E and re-grade the land into a hard landscaped courtyard area.

The proposals are for the provision of a new building encompassing 16 new classrooms, support spaces and gym provision lost as part of the proposals.

The total proposed development area required to carry out the works occupies approximately 0.39ha and the new building has a Gross External Area of 2126m².

The supporting documents submitted can be summarised as follows:

Design and Access Statement

- Being in operation for nearly 60 years, parts of the school have aged significantly and have been deemed in need of replacement. The ESFA has assessed this need and has identified the currently named block E as well as the existing gym as obsolete.
- The initial feasibility considered the option of refurbishing the existing block. This was however discounted early in the process due to the inefficiently planned layout of the existing building and associated unsustainable service costs. A further factor in the early design was to address the existing disjointed arrangement between the gym and the new sports hall.
- The location of the gym replacement was to be included or located adjacent to the new building in the form of an activity studio. Taking into account the above the final decision was to build a new teaching block with an integral activity studio.
- Consideration was given to site the new building to the north of the sports hall, however this would impact on the existing sports fields and would meet with objection from Sport England.
- The existing building will need to be retained throughout the build. In light of this the best location for the new building was seen to be an area of sloping grass bank to the east of the existing building.
- The current school contains a mixture of building scales. The existing block is on the order of 16m tall, 10m wide and almost 50m long. The proposed building is considerably wider at 18m allowing the length and height to be reduced to 40m and 13m prospectively. This also makes for a more efficient layout.
- In choosing the materials of the proposals, it was considered whether to use brickwork to match the surrounding site context. It was deemed that the priority was to make the building work in its own right whilst still paying cognisance of its setting. A simple palette of dark buff brick, red brickwork and dark grey window and door framing is proposed. This will allow the new block to settle into its immediate school and into its wider context within the residential area, replacing the stark, very apparent school block construction of the existing block.

In brief, the proposal features:

- A new courtyard on the footprint of the existing block with soft and hard landscaping.
- A new level access footpath from the retained link to Block B.
- Low level shrub planting along the western and southern elevations.
- Re-graded hard landscaping to tie into the new and building and the existing landscaping, which will provide level access.

Transport

Although no Transport Assessment or Statement was required, this element has been considered within the D&A Statement.

- No public rights of way were identified across the application site.
- The proposed pupil numbers and overall floor area is neutral between the existing and proposed, a further transport statement has not been prepared as part of this application.
- Several comments were made at the public consultation meeting raising concerns about increase of traffic. Whilst it is accepted that there will be an impact due to the nature of the works, this will only be applicable for the duration of the works and will revert back to the existing state once these are complete.
- The school has also confirmed that it will endeavour to discourage parents from parking along Woodall Road in order to avoid conflict with site access. The school is well served by bus links to Rotherham Centre as demonstrated adjacent.

Coal Mining Risk Assessment

- Due to the anticipated thickness and depth of the seam, mitigation is unlikely to be required.
- However, should site investigation indicate there is insufficient competent cover over the workings, any voids/broken ground will be pressure grouted to produce a single monolithic mass which will prevent upward migration of voids. If required, these works will be carried out under a licence from the Coal Authority.
- Two recorded mine shafts are present in the vicinity of the development. Their location is uncertain and they may be present beneath the existing Block B. The Coal Authority has no records of remedial works having been carried out to either shaft, however, it is possible that some form of treatment was carried out prior to construction of the current buildings. Consequently, the shafts may be filled, partially filled, capped or remain open.
- These shafts pose a potential risk to development workers during demolition of the existing Block D and to site users (pupils and staff) following construction of the proposed play areas.

Flood Risk

The site does not lie within a Flood Risk Area.

Public Consultation

As part of the planning application process, a public consultation was held at the school on 12th June 2018. The overall feedback was positive, both in relation to the design of the building and meeting the needs of the local area. The consultation also provided the design team an opportunity to discuss aspects of the design with local residents and parents, and allowed elements of the design to be adapted in response to feedback received.

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 on 25 June 2018.

The site is allocated for Community Facilities in the Local Plan.

For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14 Accessible Places and Managing Demand for Travel

CS28 Sustainable Design

CS29 Community and Social Facilities

CS33 Presumption in Favour of Sustainable Development

Sites and Policies Document:

SP 55 Design Principles

SP 56 Car Parking Layout

SP 57 Sustainable Construction

SP 62 Safeguarding Community Facilities

Other Material Considerations

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

National Planning Policy Framework: The revised NPPF came into effect on July 24th 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of site notices being displayed on and around the site (10 August 2018), press notice (Rotherham Advertiser 03 August 2018) and letters to neighbouring properties (26 July 2018). No representations have been received.

Consultations

RMBC (Transportation and Highways Design) – No objections subject to conditions

RMBC (Environmental Health) – No objections subject to conditions and informatives

RMBC (Drainage) – No objections

RMBC (Landscape) – No objections
RMBC (Children and Young Peoples Service) – No objections

Coal Authority – No objections subject to condition
Sheffield Area Geology Trust – No objections
Sport England – No objections

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development including the need for the facility
- Design, Scale and Appearance
- Highway Safety and parking capacity
- Drainage and Flood Risk issues
- Noise and Pollution Control issues
- Mining Impact
- Landscaping

Principle of development including the need for the facility

The site is allocated for community facilities in the Local Plan and has been used as a school since the 1950s. The applicant indicates that having been used for nearly 60 years the building has aged significantly and is deemed in need of replacement. It is not considered feasible to refurbish the existing block, due to the inefficiently planned layout of the existing building and associated unsustainable service costs.

Children and Young Peoples Service (CYPS) have raised no objections to the principle of the proposal. The proposal does not occupy any of the existing playing fields and Sport England have not raised any objections to a new building in the identified location within the school grounds.

Overall it is considered acceptable to have a new building in this location and the principle of the extension is in conformity with the Local Plan allocation for Community Facilities and policy CS29 Community and Social Facilities and Sites and Policies Document SP 62 Safeguarding Community Facilities.

Design, Scale and Appearance

The existing building is considered to be a utilitarian structure that has a dated design and external appearance and does not contribute positively to the current appearance of the school. The applicant has also confirmed that the layout of the existing building needs significant modernisation.

The new building shows a contemporary design and layout which is considered to have a significantly better appearance than the existing structure. The building is considered to be considerably more efficient in its layout with a larger overall footprint, but reduced scale which is considered a better fit with the modest scale of the existing school buildings. In addition the layout comprises a new courtyard and hard landscaped area along with some new trees which is considered to improve the general environment of the school and its environment.

Overall the design is considered to conform to the design objectives outlined in Core Strategy policy CS28 Sustainable Design and Sites and Policies Document SP55 Design Principles and will uplift the appearance of the school

Highway Safety and parking capacity

The numbers of staff or children attending the school is not considered to increase and the Transportation Unit have raised no objections to the proposal in terms of highway capacity or parking. However, it is considered that the applicant should submit a Construction Traffic Management Plan to cover the timing of deliveries, compound for materials, staff parking area, dealing with any mud in order to reduce the potential for disturbance to nearby residential properties during construction.

Drainage and Flood Risk issues

The site does not lie within a recognised flood risk area and only small proportion of the site lies within a Surface Water Flood Risk Area. The Councils Drainage Officer has confirmed that the submitted drainage proposals are acceptable.

Noise and Pollution Control issues

The proposal will operate within the same hours as the existing school and is not considered to generate any new or additional noise issues. RMBC's Environmental Health department have not raised any concerns on this aspect, subject to recommended conditions in order to minimise the potential for disruption to surrounding residents during the construction phase.

Likewise the proposal does not generate any pollution control issues. The site is within the existing school complex and has not been used for other uses.

Mining Impact

The Coal Authority have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area. Coal Authority records indicate the presence of two recorded mine entries (shafts) ref: 445392-010 and 445392-011. The Coal Authority holds no treatment details for these two mine shafts.

The applicant concludes that the site is unlikely to be affected by stability issues due to shallow mine workings, the report author identifies that at least two mine shafts are present which will be require mitigation to allow the development to proceed.

Whilst a geophysical survey has been undertaken, this did not identify any direct evidence of the mine shafts east of the existing Block E (which would take into consideration any departure from the Coal Authority's plotted positions). It would appear

that their records indicate that the recorded mine entries are currently beneath existing Block E (to be demolished). However two anomalies identified immediately west of Block E, which correlates with the location of the mine shafts based on the records held by SYMAS.

Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out in accordance with revised NPPF paragraphs 178 - 179. The Coal Authority has no objection to the proposed development, subject to the imposition of a planning condition or conditions to secure further intrusive site investigations.

Landscaping

RMBC's Landscaping team have no objections to the proposal which will improve the visual quality of the school's built form.

The Council's Landscape Officer has considered it desirable to partially 'enclose' the courtyard at either end with the introduction of artistic metalwork screen panels, trellising with climbing plants, medium/tall shrub planting or trees with understory planting for example. This would be particularly beneficial to the northern end. It is also noted that at the southern end the tarmac follows the grass area creating a right angled footpath. It is often found that people tend to walk in straight lines and with such an arrangement a 'desire line' is likely to form.

Overall however these queries are not considered detrimental to the scheme and it is considered that these could be resolved through a planning condition. The proposal is considered to be of a satisfactory design that meets the requirements of Local Plan policy SP 55 Design Principles.

Conclusion

The principle of the replacement school building is in line with Local Plan Policy CS29 Community and Social Facilities and SP 62 Safeguarding Community Facilities and will provide replacement classroom capacity for a long established educational use. The location of the building is on brownfield land and the site of the existing building will be demolished and given back over for landscaping purposes. Overall the principle of the proposal satisfactorily complies with the NPPF, Core Strategy and Sites and Policies Document.

The site access will not change and it is not considered that there would be any material increase in traffic. The Transportation Unit have raised no objections.

No flooding or drainage concerns are raised. There are not considered to be any new or increased noise and pollution control issues.

The application is 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 as shown on the approved plans (as set out below) (Drawing numbers illustrative plan 138329-ALA-00-XX-DR-L-001 S2 P04, site sections 0005 S2 P04, Hard and soft materials 0006 S2 P04, Drainage Plan P1, Artists impression 3401-03, site and roof plan 0102 S1 P1, lower and ground floor plan 0103 S1 P1, first and second floor plan 0104 S1 P1, elevations 0105 S1 P1, sections 0106 S1 P1, link elevations 0107 S1 P1)(received 17.07.18)

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/shown on drawing no elevations 0105 S1 P1, sections 0106 S1 P1, link elevations 0107 S1 P1. 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 and in accordance with Core Strategy Policy CS28 Sustainable Design.

Coal Authority

04

Prior to the demolition of existing Block E the applicant shall submit details of further intrusive site investigations to determine the presence of the two recorded mine entries: 445392-010 and 445392-011, (within Section 3.6 of Interpretative Site Investigation Report prepared by Arcadis UK Limited, Document Ref: 3452913831 dated July 2017). These details shall be submitted in a report of findings arising from the above intrusive site investigations, and any remedial works and/or mitigation measures considered necessary; including the calculated exclusion zones and these to be clearly annotated on the proposed layout plan. This report shall be approved in writing by the local planning authority in consultation with the Coal Authority. The scheme shall be implemented in accordance with the approved details.

Reason

To ensure that any coal mining legacy implications are satisfactorily addressed.

05

Before the proposed development is brought into use, a revised landscape scheme showing final hard and soft landscaping details shall be submitted that addresses the comments set out on the attached letter. This shall include:

- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Details of final playground design

- Details of final courtyard design
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

06

Prior to the commencement of any works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for: Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff and measures to prevent/deal with mud in the highway. This shall be implemented throughout the duration of demolition/construction works.

Reason

In order to minimise the impact on the surrounding residential areas during construction and in the interests of general highway safety and management.

Informatives

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(1) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(2) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(3) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is

considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/1299
Proposal and Location	Erection of toilet block to side & canopy to front at 131 Bawtry Road, Wickersley
Recommendation	Grant subject to 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 two storey commercial premises at the junction of Bawtry Road (Service Road) and Green Lane and is covered in grey cladding to the front elevation and rendered to the side with a twin pitched slate tiled roof. The property at ground floor has been extended with a single storey part glazed / part clad front addition with balcony and outdoor seating area above. To the front is an existing tiled forecourt which is owned by the applicant and used as an additional outdoor seating area. To the west lies a detached property used for part residential / part A3 purposes, with the property to the rear (off Green Lane) comprising of a single retail unit.

Background

- RB2003/0653 - Change of use to coffee shop/Bistro with hot food takeaway – Granted 30/05/2003
- RB2005/1238 - Formation of raised external seating area to front – Granted 19/08/2005
- RB2013/1167 - Demolition of existing single storey front extension & erection of two storey front extension – Granted 23/10/2013
- RB2013/1481 - Erection of single storey front extension incorporating 1st floor balcony seating area – Granted 13/12/13
- RB2014/0284 - Display of 1 No. internally illuminated fascia box sign & 1 No. non-illuminated side fascia sign – Granted 13/05/14

Proposal

This is a full application for the erection of a single storey side extension and canopy to the front elevation. The proposed extension is located on the eastern elevation and has a rectangular footprint extending to 7.3m in length and projecting 2.8m from the side elevation. At its highest point the extension is 2.8m in height and incorporates a flat roof. The extension will be used as a toilet block and will only be accessible internally from the host property. Externally, it will be constructed from the same grey cladding as the main property.

The proposed canopy projects 3m from the front elevation of the property and extends across the entire width. It will be constructed using 4 linear supports along the front elevation and the roof will comprise of Perspex sheeting with openable louvres. The side elevations will consist of retractable plastic roller shutters that will only be utilised during inclement weather.

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 as Wickersley District Centre in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS28 Sustainable Design
 SP19 Development within Town, District and Local Centres
 SP55 Design Principles

Other Material Considerations

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

includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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

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

The revised NPPF came into effect on July 24th 2018. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

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

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 9 letters of representation have been received, including one from Wickersley Parish Council. The main points raised are as follows:

- The proposed toilet extension on the grounds that it would be visually obtrusive given its flat roof and lack of windows so that it will appear as an ugly black box extending in front of the existing building and Lawrence Brothers premises. This is unacceptable for a building in such a prominent location.
- The extent of the proposed covered area that will project beyond the current first floor balcony. It would also appear that the existing consent granted in 2003 (RB2003/0658) does not include the proposed covered area within the red line. If that is the case then a change of use to a restaurant is also required for that area.
- It is requested that the applicant is made fully aware that the existing consent is for an A3 use only and that the bar must only operate in association with the restaurant and not for independent sale of alcohol to customers. You will be aware that there is considerable pressure for Wickersley to expand its A4 offer but there are already significant problems arising at weekends from late night noise and anti-social behaviour from existing premises. It would be very unfair to local residents if the application premises were also to develop into an A4 offering.

Consultations

RMBC Environmental Health raise no objections to the proposed development.

RMBC Transportation acknowledges that patronage could increase as a result of proposed development and in turn has the potential to increase demand for parking,

however this increase is not considered to be material or result in an unacceptable impact on highway safety.

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:

- 1) Principle of Development
- 2) The character and appearance of the host property and its setting in the streetscene
- 3) Impact on Amenity
- 4) Other matters

Principle of Development

The site is located within a wider allocation for Wickersley District Centre wherein Policy SP19 'Development within Town, District and Local Centres' states that uses falling within A3 use classes (restaurants and cafes) are acceptable. In this instance planning permission was granted in 2003 for the change of use of the site to an A3 use and has been utilised as such since this time.

The proposed development does not seek to alter the use of the site, simply to provide additional floorspace to support the use. As such it is considered that the proposal is acceptable in principle and accords with the provisions of Policy SP19.

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

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."

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

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into

account any local design standards or styles in plans or supplementary planning documents.”

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

The proposed extension is located within a prominent location on the corner of Bawtry Road (service road) and Green Lane. Concerns have been raised by local residents that it would appear visually obtrusive given its flat roof and lack of windows. The extension has been designed to reflect its functional use as a toilet block and is therefore modest in scale and whilst it is acknowledged that the design is utilitarian in appearance the street scene is made up of a mix of properties that vary in design and use class. Immediately to the south is a traditional 50’s style hipped roof property with bay windows, whilst to the north is the three horseshoes PH which is a large imposing building having a mock Tudor design. The property to the west, on Green Lane is a single storey flat roof building with a large shop front and signage.

Having regard to the above it is considered that the proposed extension would not appear at odds within this varied street scene and whilst the applicant has indicated that it will be clad in the same grey cladding as the host property it is considered that a condition should be attached to any approval requiring samples of the materials to be submitted given the front elevation of the property is clad and the side elevation is rendered..

Turning to the proposed canopy, this will extend 3m from the front elevation of the property and comprise of a clear Perspex roof with openable louvres. The side elevations will include retractable plastic roller shutters that will only be used during inclement weather. It is therefore considered that the only permanent structure is the 4 supports and the roof which visually will not significantly alter the appearance of the host property.

The proposed extension and canopy is therefore considered to positively contribute to the local character and distinctiveness of an area and accord with the provisions of Policies SP55 ‘Design Principles’ and CS28 ‘Sustainable Design’, together with paragraph 124 of the NPPF.

Impact on Amenity

Paragraph 127(f) of the NPPF states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

Policy CS27 ‘Community Health and Safety’ states: “Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.” 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: “Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be

demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity.”

The proposed canopy has been designed to provide an enclosure to the existing outdoor seating area to the front of the property. This seating area has been used for some considerable time without resulting in any complaints in terms of noise or loss of amenity. Nevertheless, it is considered that the proposed canopy will provide a means of enclosure and would, as a result have the potential to intensify its use, mainly during times when the weather would normally prohibit its use and late at night. Accordingly a condition restricting its use to 23.00 would control the potential for any noise nuisance during unsociable hours, thereby minimising the potential impact of the development on neighbouring amenity.

Through the use of an appropriately worded condition, it is considered that the proposed development would not give rise to any significant impact on adjacent occupiers by way of noise nuisance and therefore the development complies with the requirements of Policies CS27 Community Health and Safety’ and SP52 Pollution Control.

Other Matters

An observation has been raised by local residents and Wickersley Parish Council that the application should also include a change of use for the area under the proposed canopy area as the red line of the original application for the change of use only extended around the building and not the area to the front. Whilst technically this is the case, the building is set within its own curtilage which includes the land to the front, therefore the seating area would not constitute a separate planning unit. Additionally, an outdoor seating area was granted planning permission in 2005 and has been used for this purpose for in excess of 10 years. Accordingly, it is not necessary for the application to consider a change of use for this area as part of this application.

A further representation has been received requesting that the applicant is made aware that the existing consent is for an A3 use only and that the bar must only operate in association with the restaurant and not for independent sale of alcohol to customers. This point is noted and should the applicant wish to open the premises primarily for the sale of alcohol, a change of use application from A3 to A4 will be required.

Conclusion

Having regard to the above it is concluded that the proposed development 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 as shown on the approved plans (as set out below)

- Site and Location Plan
- Proposed Elevations and Floor Plans – Dwg No. 1 dated June 18

Reason

To define the permission and for the avoidance of doubt.

03

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

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

04

The seating area located below the canopy hereby approved shall only be used between the hours of 08:30 to 23:00.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy SP52 'Pollution Control'

POSITIVE AND PROACTIVE STATEMENT

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