

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
18 JULY 2019**

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

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**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 18 JULY 2019**

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	RB2019/0040
Proposal and Location	Outline application for the erection of 16 No dwellings and 16 No apartments in 4 storey block with all matters reserved except for access on land at Millside Centre, Doncaster Road, Dalton. S65 3ET
Recommendation	That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following: A: A commuted sum of £288 000 towards affordable housing in the area. B: Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.

This application is being presented to Planning Board as it is a Major development.



Site Description & Location

The site comprises of a building previously known as the Millside Centre and lies on the northern side of Doncaster Road in the west of Dalton. The building is set back from the highway and was previously Council owned and was extensively fire damaged in early 2018. The building has permission to be demolished but the structure is still in position on the site.

The site is approximately 0.6 Hectares in area and is moderately sloping with the highest point of the site being in the centre dropping in level to the north and the south.

There is an existing vehicular access onto Doncaster Road in the eastern side of the site and a pedestrian access to the west of the site though this is now closed.

Previously there were a number of mature trees along the southern section of the site though these were removed some months prior to the submission of the application.

Along the front elevation of the site facing Doncaster Road there is a boundary fence incorporating a brick wall and metal railings on top of this.

Background

The only previous planning history relevant to this application was an application to determine whether prior approval was required for the the method of demolition and restoration of the site at the Millside Centre (RB2018/0156).

Environmental Impact Assessment

A screening opinion is not required for this development as it does not meet the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Community Infrastructure Levy

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

Proposal

This is an outline planning application with all matters reserved except access for a new residential development. The proposed layout identifies the provision of 32 new dwellings. The scheme will be developed with an overall density in the range of 53 units per hectares.

The development would provide a mix of 2 and 3, bedroom properties which will range from terraced to semi-detached dwellings and single block of apartments.

Following several revisions to the initial proposal the draft layout shows the removal of the eastern access and a new more centralised access. The draft layout shows an area of green space behind Doncaster Road and beyond this a row of two storey properties. The central area of the site has a mix of housing and shared parking. The northern section of the site now proposes a single apartment block 4 storeys high of 16 units (up

from 12 units on the original submission). The existing pedestrian access into the site from Doncaster Road has been removed.

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

Design & Access Statement

It should also be noted that the scheme has evolved since the initial submission of the application and parts of the D&A Statement have now been superseded.

- Landscaping will play an important part of this scheme and has been considered from the outset as part of the overall design.
- The road frontage with Doncaster Road will also incorporate mature planting.
- Dwellings will accord with the internal and external space standard of the SYDG 77m² Gross internal floor area (GIA) with the apartments having an area of 62m² GIA.
- The proposal is located in close proximity to a medical centre, pharmacy, dental practice, Asda supermarket, hot food takeaways and schools.
- The site is not in a flood risk zone.

Transport Statement

- This Transport Statement (TS) provides an appraisal of the transport implications of a proposed residential development at the former Millside Centre, Rotherham.
- The proposals involve the demolition of the part burnt-down building at the site and the provision of 32 dwellings; 16 houses and 16 apartments.
- A bus stop is currently located adjacent to the site on Doncaster Road which provides travel in an easterly direction. Due to the positioning of the bus stop adjacent to the site, the relocation of the bus stop is required in order to achieve wider visibility splays from a new site access.
- The new site access will be moved slightly west of the existing access, with the new bus stop to be located further west of the existing bus stop.
- Off-street parking for all dwellings will be provided based on guidance by Rotherham Metropolitan Borough Council (RMBC).
- Pedestrian infrastructure around the proposed development site is well developed. Pedestrian routes throughout the local area are generally provided by well-lit and well surfaced footways, with a network of existing footways and crossing facilities. There is a central refuge island present approximately 45m west of the eastern site boundary on Doncaster Road, with an additional one provided 250m east of the site. A staggered puffin crossing is present approximately 130m east of the site, with additional staggered puffin crossings provided on the Doncaster Road and Oldgate Lane arms of the four-way signalised junction. A further staggered signalised toucan crossing is present approximately 125m west of the site.
- The development site is located within a reasonable cycle ride (up to 5km) of Rotherham town centre and a number of local settlements. Cycle facilities are present within the vicinity of the site, including cycleways and advisory routes.
- The nearest rail station to the site is Rotherham Central Station, located approximately 3.6km to the south-west of the site. Rotherham Central Station is operated by Northern and provides services to various local and regional destinations.
- A road casualty study showed that 50 Personal Injury Collisions (PICs) occurred within the study area around the site during the five year-study period. One collision occurred within the immediate vicinity of the site, however the collision

did not occur as a result of the proposed site or from turning movements, therefore it is considered unlikely that the proposed development would have a detrimental road safety impact on the local highway network.

- TRICS database projections indicate that the development is expected to generate a maximum of 5 two-way vehicle trip movements in the AM peak and 8 two-way vehicle movements in the PM peak hours.
- The modal split of the proposed development has been predicted based on travel pattern information from the comparable development sites in the TRICS database. The modal split predictions indicate that over half of person trips (53.4%) generated by the development would be expected to be made by sustainable modes (pedestrian, cycle, public transport and car passenger).
- Based on the assessments, this TS indicates that the proposed development should have a negligible impact on the operation of the local highway network. Therefore, as the impact of the proposals at the site is not expected to be severe, the proposals are considered to be in accordance with the NPPF.

Noise Assessment

- At reserved matters, the applicant would need to undertake a BS4142 Noise Assessment.
- No development shall take place until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.
- The permitted hours of work when noise can be audible at a construction site boundary are: MONDAY TO FRIDAY 8:00am to 6:00pm SATURDAY 8:00am to 1:00pm SUNDAY AND BANK HOLIDAYS No work allowed
- NOISE & VIBRATION – GENERAL Noise and vibration must be kept to a minimum by methods of work that conform with the 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' (See BS 5228 Parts 2 and 4: 1997, and EC and UK Noise Legislation, as applicable). At all times the best practicable means as defined in the Act must be employed to reduce noise.
- Stationary noise sources should be sited as far away as possible from neighbouring properties.
- Acoustic barriers consisting of site materials such as bricks, earth mounds or proprietary types should be constructed when noise cannot be sufficiently reduced by careful siting of noise sources.
- Dust suppression system consisting of a fine mist water spray will be available on site.
- All loads entering and leaving site to be covered.

Preliminary Ecological Appraisal

- There are several locally designated sites within 2km of the surveyed area although the closest, Aldwarke Sewage Works LWS, lies over 600m from the surveyed area. Therefore, there will be no impact on designated sites during the proposed development.
- The site is a brownfield site comprising several low ecological value habitats common to sites of its type.
- The grassland on the site appears to be an area of grassland previously managed as amenity grassland that has remained unmanaged.
- The scattered scrub within the surveyed area predominantly comprises sparse scrub and ruderal species, including two invasive non-native plant species that

are becoming established along the boundaries of the site and around the buildings.

- The remaining habitats within the surveyed area are man-made habitats that have suffered from high levels of vandalism and fire damage. Therefore, although the buildings provide some potential for bats and birds the habitats display a generally low ecological value.
- Overall the surveyed area provides a low ecological value due to the common and disturbed nature of the habitats present. The proposed development will have a direct impact on the habitats on site although the habitats present following the development will be similar and therefore the overall impact on the ecological value of the site will be low.
- The dense scrub located outside the surveyed area displays a higher ecological value due to the dense nature of the vegetation that will provide shelter for several fauna species. However, this habitat will remain unaffected by the proposed development.
- Ideally it is recommended that any site clearance works are carried out outside the nesting season, which extends from March to September each year.
- Any site clearance works that commence during the nesting season must be immediately preceded by a thorough nesting bird survey carried out by a suitably experienced surveyor. Any nests identified must remain undisturbed until the young have fledged from the nest.
- It is recommended that a further survey of the site is carried out during the late spring or summer, to accurately establish the extent of the invasive non-native plant species on the site.
- It is recommended that the following biodiversity enhancements are considered during the development, in line with NPPF.

Indicative elevations

- Computer Generated 3D visual appearance
- Draft elevations show two storey houses across the southern section of the site and a 3 storey apartment block in the north.
- Indicative floor layouts show that properties will meet the minimum recommended spacing standards.

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 (housing allocation H25) in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy Policies

CS1 Delivering Rotherham's Spatial Strategy
CS3 Location of New Development
CS6 Meeting the Housing Requirement
CS7 Housing Mix and Affordability
CS14 Accessible places and Managing Demand for Travel
CS20 Biodiversity and Geodiversity

CS21 Landscapes
CS22 Green Space
CS25 Dealing with Flood Risk
CS28 Sustainable Design
CS33 Presumption in favour of Sustainable Development

Sites and Policies

SP11 Development in Residential Areas
SP26 Sustainable Transport for Development
SP32 Green Infrastructure and Landscape
SP47 Understanding and Managing Flood Risk and Drainage
SP52 Pollution Control
SP55 Design Principles
SP56 Car Parking Layout
SP64 Access to Community Facilities

Other Material Considerations

South Yorkshire Residential Design Guide.

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 site notices along with individual neighbour notification letters to adjacent properties. One letter of representation has been received from Rotherham Wildlife Trust and can be summarised as follows.

- We wish to highlight the recommendations of the ecology report for further bat surveys to take place, bat bricks and bird boxes to be included in the buildings,

- A sensitive lighting scheme to be published and approved for both the construction phase and development which enables foraging and avoids lightspill on the boundaries of the site
- For an appropriately licensed, experienced surveyor to establish presence of Great Crested Newt,
- A planting scheme of native trees and shrubs to increase biodiversity and a 'hedgehog highway' of suitably sized gaps in fences (or alternatively using hedges instead of fences) to allow hedgehogs to freely move throughout the site.
- Any vegetation clearance to be undertaken outside of bird nesting season (March to September).

Consultations

RMBC

Transportation Infrastructure Service – have assessed the proposals in line with relevant policies and guidance and consider the development to be acceptable subject to the imposition of conditions

Drainage – no objections subject to conditions

Ecologist – no objections subject to conditions

Environmental Health (Noise) – no objections subject to conditions

Environmental Health (Air Quality) – no objections subject to conditions

Affordable Housing Officer – no objections subject to agreed S106 contribution of £288 000 towards local Affordable Housing provision

Yorkshire Water – no objections subject to conditions

Police – overall no objections. A number of recommendations to the design of the scheme are made to minimise potential crime which are attached as an Informative.

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
- Design and layout
- Impact on neighbouring amenity

- Highway Safety and Transportation Issues
- Flood Risk and drainage
- Noise
- Affordable Housing and Planning Obligations

Principle of development

The site is allocated for residential purposes and is identified as housing site H25 in the Local Plan. The site also comprises of brownfield land with an existing building severely fire damaged with the area surrounding it now occupied by un-managed scrubland.

It is considered that to bring the land back into a productive use would be beneficial for the area and the principle of residential development which would contribute towards the boroughs housing needs is considered acceptable and in accordance with policy SP11 of the Local Plan. The main considerations will be the draft design, highway layout and noise issues which are considered in more detail below.

Design and layout

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

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

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

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

Policy H25 within the Local Plan identifies that approximately 35 dwellings are appropriate for the site. In this instance the indicative drawings are in draft format only and do not show final elevations with only access being formally considered. However, the submission of the 3D computer generated aerial view together with indicative site plans are considered that sufficient information has been demonstrated to progress the

application. Whilst the scheme may be of a high density, a future scheme comprising 32 units can be accommodated on the site. This is considered to achieve an acceptable balance between efficient land use of the site, whilst safeguarding spacing standards and outside amenity areas.

Impact on neighbouring amenity

Policy SP55 'Design Principles' states, in part that: *"the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."*

Further to the above the NPPF at paragraph 127 states, in part, that planning decisions should ensure that developments *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."*

The proposed residential units on this phase of development comprise of a mixture of 2 and 3 bedroom dwellings and apartments which are 4 storeys in height. The site is not located adjacent to any existing properties, however it is acknowledged that land to the north and east are reserved for future development.

With regard to the impact of the proposal on the amenity of future residents of this development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties and 77sqm for 3 bed properties. All of the indicative house types proposed are shown to adhere to these space standards and each dwelling will have private rear gardens. Whilst this is not being formally considered at this stage, it is considered that a future scheme along the lines shown could be supported.

The proposed apartment blocks benefit from outside amenity space with a total area in excess of 550sqm shown on the outline plan. This is considerably above the minimum recommended area of 210 sqm as indicated in the SYRDG.

The indicative plans show a spacing distance of approximately 10m between the eastern section of the apartment and the next adjacent site which may also be subject to future development. This meets the standards set in the SYRDG and is considered a sufficient distance to prevent the adjacent land from being sterilised or unfairly constrained from future development.

Having regard to all of the above and on balance, it is considered that the amended indicative layout and proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

Highway Safety and Transportation Issues

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

- a. *Locating new development in highly accessible locations such as town*

and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.

- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.”*

Policy SP26 ‘Sustainable Transport for development’ states, in part, that “Development proposals will be supported where it can be demonstrated that:

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

The NPPF further notes at paragraph 108: “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

In general, the site has good access to public transport and local facilities, being within easy walking distance to existing bus stops located on Doncaster Road.

Taking all of the above into consideration, it is considered that this proposed outline application is in a sustainable location and the proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14 and SP26 and guidance within the NPPF.

Flood Risk and drainage

Policy CS24 ‘Conserving and Enhancing the Water Environment’ states:

“Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:*

- i. *the natural geomorphology of watercourses,*
- ii. *water quality; and*
- iii. *the ecological value of the water environment, including watercourse corridors;*
- b. *contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies*
- c. *manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;*
- d. *improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,*
- e. *dispose of surface water appropriately according to the following networks in order of preference:*
 - i. *to an infiltration based system wherever possible (such as soakaways)*
 - ii. *discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)*
 - iii. *discharge to a public sewer."*

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

Policy SP47" Understanding and Managing Flood Risk and Drainage" states, part, that:

"The Council will expect proposals to:

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

Details relating to the proposed drainage of the site have been submitted in support of this application. These plans have been assessed by the Council's Drainage Engineers who have confirmed they do not anticipate any drainage or flooding issues which cannot be resolved. Accordingly it is considered that these issues can be conditioned at the reserved matters stage. The flood routing plan requires further investigation prior to the commencement of development. The submission of this amended information can however be secured via a suitably worded condition.

Likewise Yorkshire Water have raised no objections, subject to standard conditions.

Noise and Air Quality Issues

Policy CS27 'Community Health and Safety' states, in part, that: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.*

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality."

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

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

Taking the above into consideration, a Noise Assessment has been submitted in support of the application. The main noise generating source within the vicinity of the site is considered to be the delivery area to the rear of the ASDA store to the north west of the site. The Council's Environmental Health Officer has reviewed the submitted acoustic report (ref NIA/8438/19/8362/v2/Doncaster Road). It is acknowledged that this is a draft layout, however the officer has indicated that they consider that they are satisfied that the outline application can be approved subject to conditions that all remedial works detailed through the noise mitigation strategy shall be incorporated into the final design and validated upon completion.

Environmental Health have queried the report detailing ventilation and glazing requirements. As the design for north facing rooms are non-standard they have requested if it is possible to condition (via permitted development or similar restrictions) that when owners come to replace these windows in the future that they must replace with like, or better, specifications. The concern is that owners replacing windows with a lower specification and could introduce a noise issue.

Having regard to the above and subject to appropriately worded conditions, it is considered that whilst the external noise environment at this site is not ideal for

residential development, further mitigation can be implemented in the form of specialist glazing and ventilation methods if the actual noise levels do not meet those as predicted in the noise assessment. On balance therefore and with the additional noise monitoring being secured via appropriately worded planning conditions, the proposed development is acceptable and in accordance with the provisions of policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

Turning to the Air Quality aspects, the Council's Air Quality Officer notes that there is no mention of Electric Vehicle Charging points being installed in the car park which will have parking for 55 vehicles. By 2032 it is forecast that 50% of UK vehicles will be ULEV (i.e. not petrol or diesel) and by 2040 new diesel and petrol cars will be banned. A key theme of the NPPF is that developments should enable future occupiers to make cleaner vehicle choices and (paragraph 35) "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Therefore, an appropriate provision of electric vehicle recharging is expected for most developments

It is recommended that 10% of the parking spaces are provided with EV charging points which shall be managed and maintained throughout the lifetime of the development. These should be available for use for all future occupants of the development.

Affordable Housing and Planning Obligations

Policy CS7 'Housing Mix and Affordability' states in part, that: "Sites of 15 dwellings or more..... shall provide 25% affordable homes on site."

In this case the Affordable Housing Officer has indicated that if there was on site delivery then it would be delivered as 8 x 2 bedroom apartments at 62m² in size. However, the applicant has indicated a preference to pay a commuted sum in lieu of on-site delivery. In this instance it is considered that this would be preferable from a housing management perspective rather than managing half of the proposed apartment building.

The applicant has agreed an open market value of £90,000 for each of the apartments. The commuted sum for each apartment is 40% of this open market value which equates to £36,000. Therefore the total commuted sum is £36,000 x 8 = £288,000. The S106 agreement outlines this in detail with proposed payments in four instalments of £72,000. The first instalment would be at the start of the development and the final payment on completion of the 30th Unit.

This is in addition to Community Infrastructure Levy (CIL) payments. Overall the proposal is considered to fully comply with Core Strategy Policy CS7 'Housing Mix and Affordability' as well as the advice within the NPPF.

Conclusion

The principle of residential development on this site which is allocated for residential purposes in the Local Plan is considered to be acceptable. The overall layout of the site is in draft format and is not formally being considered at this stage. However, the indicative plans offer an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling.

A variety of house types and sizes have been provided with an appropriate contribution to affordable housing provision.

There are no objections to the proposals from the Council's Transportation Unit. Internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and Manual for Streets.

The application site is not located within a Flood Zone. A condition regarding the submission of an amended flood routing plan is to be attached to any permission.

In terms of the landscaping within the site, the applicants have submitted draft site plans and included on the 3D computer model. Whilst these lack final detail, it is considered that these show that an acceptable future landscaping scheme could be achieved during the submission of a reserved matters application.

Initially concerns were raised regarding the impact of the adjacent commercial operator on the amenity of future residents, however conditions requiring further noise monitoring, mitigation (if necessary) and final design details are considered to adequately safeguard the potential for future noise complaints.

Conditions

01

- a. Application for approval of reserved matters must be made within three years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - (i) The expiration of five years from the date of this permission; OR
 - (ii) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

The reserved matters application shall submit final details of the layout, scale, appearance and landscaping of the site to be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

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 Local Plan Policies and the NPPF.

04

Prior to the completion of the scheme a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation of the first dwelling.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28 Sustainable Design.

05

No above ground development on the site shall be commenced until details of the proposed revised bus stop/shelter/road markings indicated in draft form on plan reference LTP/3582/P1/001 sheet 2 revision O have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented concurrent with the construction of the new vehicular access to the site.

(The developer will appreciate that these works in the highway will require the consent of the SYPTE and an Agreement under S278 Highways Act 1980).

Reason

In the interests of road safety.

06

The proposed on site layout shall be designed and constructed in accordance with the South Yorkshire Residential Design Guide.

Reason

In the interests of road safety and satisfactory highway design.

07

The detailed plans to be submitted in accordance with this outline permission shall show road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

08

The detailed plans to be submitted in accordance with this outline permission shall show a scheme to be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

09

The Reserved Matters application shall submit 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, shall be 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);
- * The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- * 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 that the development can be properly drained in accordance with the Local plan and the NPPF.

10

The Reserved Matters application shall submit a flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, internal and external levels and design of buildings to prevent entry of water, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

11

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage

12

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

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of

connection; and

c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

13

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. 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 and in accordance with the Local Plan

14

The detailed plans shall show a minimum of 10% of the parking spaces to be provided with Electric Vehicle charging points which shall be managed and maintained throughout the lifetime of the development.

Reason

In order to increase and support future renewable energy infrastructure in accordance with local and national government objectives.

Informatives

01

Yorkshire Water

The developer is proposing to discharge surface water to "SUDS" / public sewer however, sustainable development requires appropriate surface water disposal and

Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. Only as a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will also be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of YWS/the LPA by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

02

Police

South Yorkshire Police indicate that crime research in the area suggests a problem with ASB, I would recommend therefore that the entrance to the development be designated by two brick pillars on either side of the Road and a rumble strip on the road surface denoting a change in space, and to deter casual intrusion. The rear of the entire development should be enclosed with a 1.8-metre fence to prevent fence hopping from the rear of adjoining properties.

Defensible Space

There are no details of front boundaries of the houses, but if they are to be walls, these should not be flat topped as this would provide seating for youths or passers-by and may cause gathering of youths and facilitate ASB.

Surveillance

Any landscaping and front boundaries to the bungalows should be kept low at no more than 1 metre high and any trees to have no foliage below 2m to aid natural surveillance. Positioning of trees should be careful not to mask any Lighting Column's.

Vehicle Parking

The parking areas must be well lit. Consideration should be given to providing additional building mounted lighting to these areas.

Lighting

All external paths and car parking areas should be well lit with an LED lighting scheme and to standard BS5489 with no dark areas.

Security of Dwellings

In line with SBD standards, all front / rear doors and ground floor windows should comply with PAS 24:2016. All front and rear doors should be lit with a wall mounted luminaire to provide lighting in line with standard BS5489 which should operate on a dusk to dawn sensor and spread the light downward. The communal doors to the apartment blocks should be to standard LPS 1175 and each individual apartment door be to Pas 24:2016

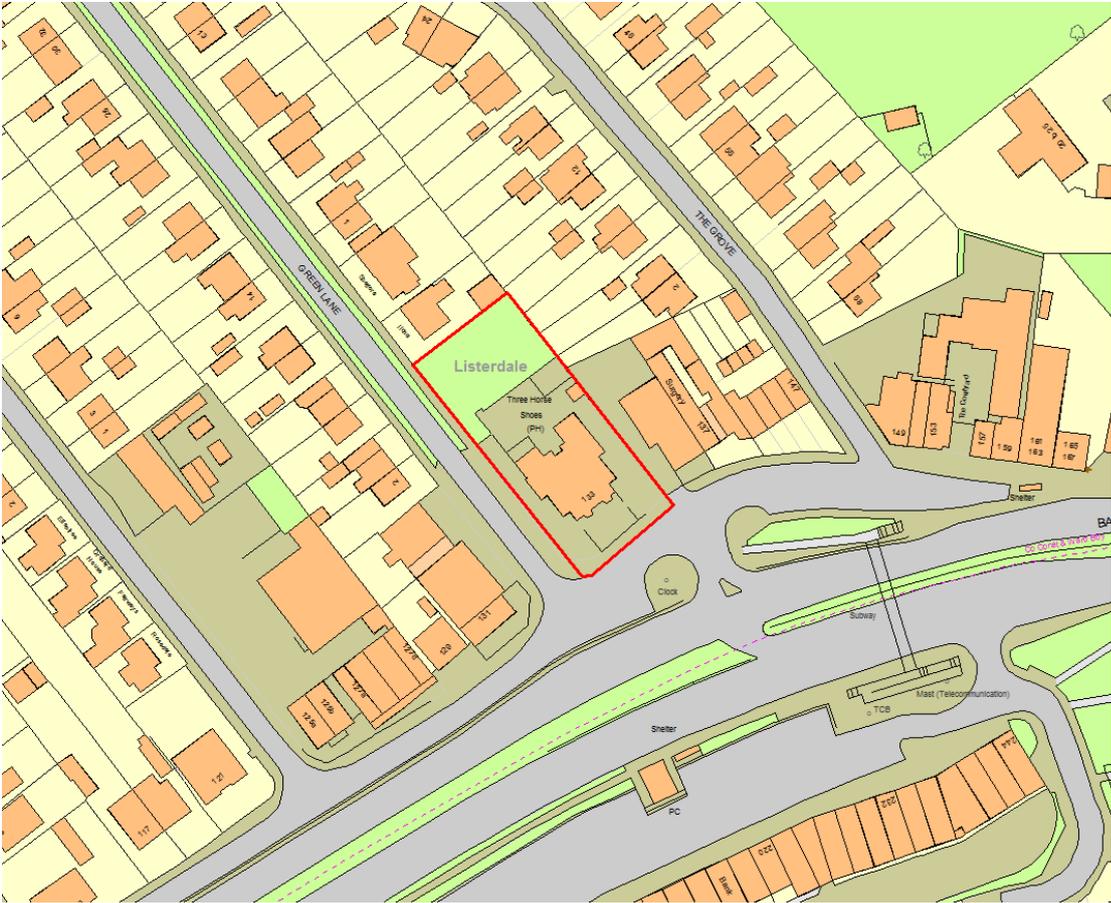
POSITIVE AND PROACTIVE STATEMENT

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	RB2019/0490
Proposal and Location	Removal of storage sheds and pub garden marquee, erection of covered pergola and freestanding outside bar and beer store building at Three Horse Shoes, 133 Bawtry Road, Wickersley
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site is located within Wickersley district centre and is accessed off Bawtry Road and Green Lane. The site is set back from the busy Bawtry Road which forms part of the major road network.

The site is an existing public house with an outdoor seating area on the forecourt to the front and a beer garden to the rear. The beer garden is at a slightly elevated level and had a small marquee adjacent to the rear boundary and Green Lane, a bouncy castle and a small storage shed.

There are a number of on-site parking spaces to the side and rear of the building.

The proposed development is immediately adjacent to the eastern boundary which is shared with the rear garden of No.2 The Grove and a site comprising of a commercial building with on-site parking.

Background

The site has a number of previous planning applications on various alterations as a public house, the most recent are as follows:

RB2005/1986 – Formation of new disable access ramp – Granted conditionally

RB2007/1839 – Canopy to side – Granted conditionally

RB2016/0068 – Display of various illuminated signs & display of various lighting – Granted conditionally

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

Proposal

This is a retrospective application for the removal of storage sheds and pub garden marquee and erection of a covered pergola and freestanding outside bar/beer store building.

The proposed pergola is a mono-pitched timber structure that is approximately 2.8m high at the front and 3m at the rear, it is 4.2m wide and 6.3m deep. It is sited on the existing beer garden level and with a ramp on to the car park level.

The proposed outside bar replaces 2 older storage sheds and is sited along the eastern boundary. It is a flat roof timber structure that is 3.6m wide, 2.4m deep and 2.5m high.

The original proposal also includes the conversion of the existing parking area at the rear into a beer garden. Whilst this element does not require planning permission as there is no material change of use, the applicant has agreed to retain 3 parking spaces for staff parking purpose.

Development Plan Allocation and Policy

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

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

Core Strategy

- 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

SP29 'Sustainable Transport for Development'
SP52 'Pollution Control'
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 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 along with letters to the immediate adjacent residential properties.

3 representations and a petition (11 residents with 10 different addresses) have been received objecting to the proposals and the comments are summarised below:

- Concern recurrence of structures blowing over the adjacent properties
- The development would intensify the use of rear garden area with unacceptable noise nuisance to local residents late in the evening. There has been noise complaints last summer as a result of external music events which are detrimental to residential amenity
- The outside bar would encourage activities to the rear of the site which is surrounded by residential properties which is inappropriate and not in keeping with the area

The agent of the applicant, Wickersley Parish Council and Councillor Emma Hoddinott have requested the right to speak at the meeting.

Consultations

RMBC - Transportation and Highways Design: Raise no objections to the proposal

RMBC - Environmental Health: Raise no objections to the proposal subject to planning condition on no amplified or live music at the rear beer garden.

Appraisal

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

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

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

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

- The principle of the development;
- The appearance of the development;
- Impact on neighbouring properties and transportation issues;
- Other issues

Principle of development and transportation issues

With regards to the principle of the development, the application site is located within an established residential area which is allocated for residential purposes within the adopted Local Plan. However, the site has been used as a public house from 1970s and the rear area has also functioned as a beer garden for many years.

A Public House constitutes a community and social facility and therefore Core Strategy Policy CS29 'Community and Social Facilities' is relevant which indicates that the Council will support the retention, provision and enhancement of a range of community and social facilities in a sustainable location which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities.

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

Bearing in mind that the development does not alter the nature of use of the site as and it is ancillary to the function of the main building, it is therefore considered that the development is acceptable in principle and in accordance with the Core Strategy Policy CS29 and CS33.

The appearance of the proposal

Core Strategy Policy CS28 'Sustainable Design' states that: 'Proposals for development should respect and enhance the distinctive features of Rotherham. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Design should take all opportunities to improve the character and quality of an area and the way it functions.

Policy SP55 'Design Principles' also 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 notes at paragraph 124 that: 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.' Paragraph 130 adds that: 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.'

The National Planning Policy Guidance (March 2014), notes that: 'Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.' The NPPG further goes on to advise that: 'Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.'

The proposed development is sited to the rear of the site and set away from the boundary with Green Lane. It is considered that the development by virtue of its scale, height, siting and materials would not result in a detrimental impact on visual amenity of the site and the general street-scene. The use of timber is considered appropriate for the setting within the existing beer garden and whilst it may be visible from the rear gardens of the neighbouring residential properties, it will not appear out of character being a simple timber framed open sided structure.

Taking account of this, the proposals are therefore considered to be in accordance with Local Plan Policies CS28 'Sustainable Design' SP55 'Design Principles' and the NPPF.

Impact on neighbouring properties:

Policy SP11 'Development in Residential Areas' states 'Non-residential uses will be considered in light of the need to maintain the housing land supply and create sustainable communities, and normally only permitted where they:

- a. are ancillary and complementary to the residential nature and function of the area; and
- b. are no larger than is required to meet the needs of local residents; and
- c. will not have an unacceptable impact on the residential amenity of the area; and
- d. demonstrate how they will be of benefit to the health and well-being of the local population.

SP52 'Pollution Control' states 'when determining planning applications, particular consideration will be given to: a) the detrimental impact on the amenity of the local area, including an assessment of the risks to public health. b) the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development.

Paragraph 127(f) of the NPPF states planning decision should ensure that developments 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

The rear of the site has been used as a beer garden for many years such that it is considered that the proposed development does not introduce a new use of the site and has not altered the character and function of the area on this basis.

It is acknowledged the representations have raised concerns that the development would intensify the use of the site and result in additional noise disturbance to the adjacent residents. Furthermore, noise complaints have been received in the recent years from events being held in the beer garden.

The applicant has confirmed that the previous outdoor music events were organised by the former manager and the current manager has not held any such events. Whilst the structure was originally labelled as a bandstand in the description of development in the planning application, the applicant has confirmed that it is not intended to provide cover for musical events nor have music piped within it. Its purpose is to provide a covered outdoor area where customers can sit outside and drink and eat which replaces the larger marquees that were erected.

The proposals also include the provision of a free standing outside bar adjacent to the proposed pergola. This area is clearly well used by patrons during nice weather and the provision of a bar, whilst encouraging the use of the beer garden is not considered to significantly intensify the possible use of this area beyond that which it has previously been used for. The main reasons for complaints from the site have been around the amplified music that has occurred in the past and to prevent this from occurring in the future (and recognising that the pergola and outdoor bar does make this area more attractive) it is considered appropriate to impose a condition preventing any live or amplified music being played in the entire beer garden.

It is therefore considered that subject to the restrictive music condition the proposed development would comply with the requirements of policies SP11 'Development in Residential Area', SP52 'Pollution Control' and the NPPF paragraph 127.

In consultation with highway officer, it is considered that the increase in floorspace is minor which does not have any potential impact on highway safety or the capacity of the local road network. The proposal therefore complies with policies CS14 and SP29 and the NPPF subject to planning conditions on the revised car park layout.

Other issues

The proposed development is permanently fixed into ground unlike the previous marquee which should address the concern that was raised regarding the previous structure being blown over the wall.

Conclusion

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

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

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

Conditions

01

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Existing Plan AS01)(received 22/03/19)
(Location Plan AS01A, Proposed Beer Garden Plan AL01H, Proposed Outdoor Bar Details AD01G, Proposed Timber Bandstand Detail AD02B) (received 16/05/19)

Reason

To define the permission and for the avoidance of doubt.

02

Within 3 months of the date of this permission details of the timber cladding to be used on the outside bar, including stain colour, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented.

Reason

In the interest of visual amenity and in accordance with the Local Plan and NPPF.

03

No external amplified or live music shall be played outside the premises.

Reason

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

04

The external bar hereby permitted shall only be used between the hours of 11:00 – 00:00 on Mondays to Sundays.

Reason

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

05

The car parking area to the rear of the building as shown in the approved plans shall be provided and thereafter maintained for car parking.

Reason

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/0550
Proposal and Location	Part Change of Use to specialist clothes shop (Use Class A1), 7 Church Street, Wales
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site is No.7 Church Street, Wales a historic stone built dwelling located within the centre of Wales Conservation Area, close to the Parish Church.

The dwelling is a three storey dwelling set immediately adjacent to the highway, with parking available to the side and a large rear garden.

Background

No site history.

Proposal

The applicant is seeking retrospective planning permission for a change of use of the loft area of the residential property to a specialist A1 clothing shop. The shop specialises in women's clothing and is intended to be open 22 hours a week maximum, between the following hours:

- Sunday: Closed
- Monday: Closed
- Tuesday: 12:00 - 16:00
- Wednesday: 10:00 - 16:00
- Thursday: 15:00 - 19:00
- Friday: 10:00 - 15:00
- Saturday: 09:00 - 12:00

The applicant has agreed during the application process to cease any evening events and has provided an off street parking plan for five cars, which they intend to implement. The parking is an existing gravel drive used by the host property, which the applicant intends to mark out to provide adequate on site parking.

The applicant's Planning Statement states that:

- The business started in 2017 and is operated on a part time basis by Mrs Shepherd (the applicant who lives at the property) and Mrs Wadsjkaer (who lives at another address nearby) with opening hours of no more than 22 hours per week. It is a small ladies boutique operating out of a loft bedroom at 7 Church Street Wales.
- The business itself has no employees and is run solely by the two owners of the business (Mrs Shepherd and Mrs Wadsjkaer) who only advertise on Facebook and rely on customers recommending them to friends.
- From the outset this modest business venture was always meant to provide ladies with a unique shopping experience compared with the High Street. Their key aims were to:-

Provide a very personal service that would appeal to all ladies irrespective of their age, shape or size.

Provide a service in a more informal environment, putting customers at ease.

Cater for those ladies who, for whatever reason, felt uncomfortable shopping for clothes in the High Street or felt that they did not belong in High Street clothes shops.

Provide a personalised one to one service to customers and building an ongoing relationships with them.

Keep the business small and niche thus creating more of a customer community (where all feel valued).

Operate restricted but flexible hours, usually around 22 hours per week, in order to maintain a good home/work life balance.

The ladies source the stock themselves, making weekly trips to wholesalers, purchasing garments “there and then” and bringing them back to Church Street in their own car. Consequently, no delivery vehicles come to Church Street other than the occasional DHL delivery.

The applicant’s Sequential Test states that:

The sequential test undertaken by this practice did not reveal any properties that might meet the applicant’s requirements. The retrospective use of the site at Wales is ideal for the business model that Mrs Shepherd and her business partner have successfully developed and it is hoped that the council, as local planning authority, will support this small, niche business in the community.

Following an objection raised from local residents about the validity of the sequential test carried out, the applicant has provided additional sequential test information assessing the following local properties:

“No 3 School Rd (Vape Shop) - This property was still open in early March with no sign on the shop saying it was to let. Furthermore, it did not appear in any online web searches. We have now discovered from the owners that the property is on term contract lease and even though empty, rent is still being paid and the property therefore cannot be sublet until the lease runs out in the future. In any event, double yellow lines exist outside the shop so that parking would be an issue with people likely to park on Church Street.

5-7 School Road - This is a shop currently occupied by Designers Hairdressers. One of the objectors to my client’s planning application has also made a formal complaint to RMBC about the customers from the hairdressers parking on Church Street so it seems a little odd that they believe that 3 School Road would be a good location for the White Loft.

1 Thomas Street - Whilst this was formerly a barbers and equestrian shop it is now a residential property and it is in a residential area and not on the High Street.

63 Wales Rd - This property is not on the market. It did have a “for sale” sign which is now gone, and it does not appear on any web searches.

70 Wales Road - This is a residential property with no indication that it has ever been a commercial property.

75 Wales Road - This property was not on the market in early March and is now let.

79 Wales Road - This property was not on the market in early March and is now let.

83 Wales Road - On 11th June we checked Zoopla, Prime- Location, Mitula, and Commercial Property Online plus Fields estate agents and Willow Estate agents and only 83 Wales Road was available which we have already identified as unsuitable.

108 Wales Rd (Kiveton PC Repairs) - This property is situated at the side of Wales Road which has parking restrictions, including no parking between 8am and 11pm. This inevitability leads to parking problems with people parking on the adjoining side streets. The property was a computer repair shop and has a separate customer counter area, separate office and separate workshop. This is a configuration that would not work for The White Loft. Consequently, structural alterations would need to be carried out at considerable expense. It may be that some of the structural works would not be permissible. It should be added that this building was still occupied by The PC repair business until late March/early April 2019.

119 Wales Road (Kiveton Deli) - This property was not on the market for letting in March and the building has recently been sold.

121 Wales Road (Reel Carp Baits) - This property was not on the market back in March or now. There is no sign outside the unit, and it does not appear in any on-line searches. It is possible that 119 and 121 could have been sold together.

None of the above would be suitable for The White Loft business model because it is not a High Street business.”

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 (adopted June 2018).

This site falls within a Residential allocation and Wales Conservation Area as defined in the Rotherham Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy

CS 12 Managing Change in Rotherham's Retail and Service Centres

CS28 Sustainable Design

Sites and Policies policy

SP 11 Development in Residential Areas

SP 52 Pollution Control

SP 55 Design Principles

SP 41 Conservation Areas

Other Material Considerations

National Planning Policy Framework: The revised NPPF came into effect in February 2019. 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 and letters to immediate neighbouring properties. 47 letters of support have been received, along with 10 letters of objection and one letter of objection from Wales Parish Council.

The objections are summarised as follows:

- The shop has caused traffic problems on Church Street, blocking the footpath, customers turning in neighbours' drives.
- Conflicts with events at the Church.
- Overlooking of dwellings to the rear.
- Poor disabled access and fire safety.
- Disturbance from comings and goings, including evening events.
- Not in keeping with the character of the Conservation Area and the residential character of the area.
- There are sequentially preferable sites available within existing retail centres.
- The arguments listed in the sequential test carried out do not withstand scrutiny for reasons including - Privacy is available in shops; Privacy can be provided elsewhere / otherwise than in 7 Church Street Wales; Being part time does not preclude the business being in a shop in an existing retail centre; There is no evidence that a unit in a retail centre is unaffordable.
- The use should be required to be within an existing retail centre.
- The use not being within an existing retail centre is to the detriment of retail centres.
- A shop selling clothes is not a 'convenience shop serving the local area only' in Local Plan reasoned justification paragraph 4.44 terms.
- That the use is unsustainable in this location.
- Evening Prosecco parties are still taking place, to the detriment of local amenity and parking.
- Customers are parking in the nearby Public House car park.
- The existing gates are not suitable for the proposed parking arrangements and the gravel parking bays cannot be marked out.
- The recommended conditions do not meet the tests set out in the NPPG relating to the use of conditions.

The Parish council states that:

- The applicant's business is situated in the oldest residential part of the parish in close proximity to the parish church and, in the Parish Council's view, inappropriate development in a conservation area. Moreover, there are a number of vacant shops in the village and the applicant taking one of these would help to create the vibrant and prosperous local economy that the council aspires to achieve and, at the same time, allow their business to grow.
- Church Street is a narrow road, not well suited to modern traffic and the Parish Council regularly receives complaints of traffic congestion, obstruction and concerns about the ability of the emergency services to access the properties on

the road. The applicants do not appear to have adequate parking facilities for their customers, which exacerbates this situation. A regular stream of customers would also be of detriment to the character of the neighbourhood and a potential nuisance for the residents of adjoining and adjacent properties.

The letters in support state that:

- Good for the village providing a unique shop.
- Within easy walking distance.
- Great customer service not available elsewhere.

7 people have requested the right to speak at Board including 4 objectors, 2 supporters and the applicant.

Consultations

RMBC (Environmental Health) – Would envisage no significant loss of amenity by virtue of noise, air quality or land pollution impact and as such raises no further comment.

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

Appraisal

In considering this application the main issues for determination are:

- Principle of development
- Impact on neighbouring amenity
- Highways issues
- Visual impact of the development, including impact on Conservation Area
- Other matters

Principle of Development

Policy CS12 Managing Change in Rotherham's Retail and Service Centres states that:

“To maintain and enhance the vitality and viability of the borough's retail and service centres new retail, leisure, service facilities and other main town centre uses will be directed to the most appropriate centre.....Proposals for town centre uses on the edge of or outside of designated centres will only be permitted where it can be demonstrated that:

- a. sites within and then on the edge of town, district or local centres have been assessed and it can be demonstrated that they are not available, suitable or viable for the proposed development, and then
- b. In the case of bulky goods floorspace, the availability, suitability and viability of vacant premises in retail parks to accommodate the proposed development has been assessed”.

SP 11 Development in Residential Areas states that:

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

Non-residential uses will be considered in light of the need to maintain the housing land supply and create sustainable communities, and normally only permitted where they:

- a. are ancillary and complementary to the residential nature and function of the area; and
- b. are no larger than is required to meet the needs of local residents; and
- c. will not have an unacceptable impact on the residential amenity of the area; and
- d. demonstrate how they will be of benefit to the health and well-being of the local population”

Firstly in terms of Policy CS12 the site is located outside of a main town centre and a sequential test assessment has been provided for the proposed change of use of 32.63 sqm floorspace to retail use. The arguments put forward to discount sites within traditional shop units are: privacy for customers, part time operation (no more than 22 hours per week), and the unaffordability of a retail unit.

Objectors have identified a number of alternative sites which it is suggested should also be considered. The applicant has provided a further assessment of these sites. Before considering this evidence It is important to note that:

- sequential test evidence should be proportionate to the scale of the application;
- a catchment limited to considering Kiveton Park District Centre is considered acceptable;
- any assessment must have regard to the operator’s business model; and
- as the application relates to less than 500sqm gross floorspace, the impact test element of NPPF and Policy CS12 is not relevant.

The applicant has provided some additional information setting out reasons for discounting the additionally identified sites, in addition to various additional documents related to the sequential test requirements of NPPF and its application. The Council does not consider that the lack of privacy in a shop would be a defining factor in discounting it as part of a sequential test analysis.

It is noted that 3 School Road, Wales is more than 300m from District centre and not in an ‘edge of centre’ location (having regard to the definition in NPPF), and therefore not a sequentially preferable site which requires assessment. Furthermore the proposed shop has limited opening hours (i.e. no more than 22 hrs per week), making a shop unit unaffordable to the applicant as this is clearly different to opening hours for other mainstream retailers (e.g. 9 to 5, six days per week would equate to 48 hours – more than double that proposed). Whilst no viability evidence was provided it is accepted that the limited opening hours is unlikely to generate sales sufficient to make renting a unit, for example on the High Street, affordable.

It is therefore considered that the additional information provided by the applicant appropriately identifies why sequentially preferable sites are not suitable, available or viable.

Turning to Policy SP 11 Development in Residential Areas, the Council has received objections regarding the neighbouring amenity and the resulting parking within the narrow highway. These issues are addressed in detail below.

Impact on neighbouring amenity

With regard to neighbour amenity Local Plan Policy SP52 Pollution Control states that: “Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to: (amongst others) the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development.” The Policy further adds that: “Some uses are particularly sensitive to noise. For the purposes of this policy these include, but are not restricted to: housing and residential institutions, educational establishments, care establishments such as hospitals and nursing homes, public buildings such as libraries and museums, places of worship, places of audience based recreation, offices and research establishments.”

The NPPF notes at paragraph 127 that planning policies and decisions should ensure that developments (amongst others) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF at paragraph 180 adds that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The shop is located in the loftspace of the host property and accessed via the applicant’s secondary front door. No external changes have been undertaken except for a small plaque indicating the businesses presence.

Firstly in terms of noise and disturbance, the shop is only intended to be open for 22 hours a week. The applicant has also agreed to a condition requiring all clients to arrive on an appointment only basis, to ensure that the number of clients at any one time is limited. As such any comings and goings are considered to be minor and will not cause significant disturbance to neighbours.

One neighbour has raised concerns relating to overlooking to the rear, though it is noted that the host property has a substantial rear garden some 17m long and as such any overlooking is not considered harmful to neighbouring amenity.

The proposed low key use is therefore considered acceptable in this setting subject to the recommended conditions.

Highways issues

Objections have been received due to the narrow nature of Church Street and the lack of off street parking provided by the applicants. Shoppers are also using neighbours' driveways to manoeuvre in when leaving.

To this regard the applicant has agreed to provide 5 parking bays marked out to the side of the property, on the existing gravel parking area to the domestic property. A condition has been recommended to ensure that the bays are provided during opening hours.

An objector has raised concerns regarding the repositioning of the gates, however the applicant has confirmed that the gates are to remain unaltered and that the gates will not block the highway when open. An amended plan has been submitted to clarify the gates issue showing them retained as existing.

The NPPF at paragraph 109 states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." The proposed off street parking provision will alleviate the parking concerns raised by neighbours and minimise any potential for visitors to use neighbouring drives to turn in. RMBC (Transportation) have been consulted and have made no objections to the application.

Visual impact of the development, including impact on Conservation Area

Core Strategy Policy CS23 'Valuing the Historic Environment' and CS28 'Sustainable Design' indicate that Local Planning Authorities should ensure that new development make a positive contribution to the character and local distinctiveness of the historic environment.

The NPPF states at paragraph 131, that: "In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

The proposal involves no external changes to the building and the car park area is existing, and as such no additional hardstanding is required. Any signage that required consent would be considered on its own merits, Having regard to residential nature of the area, within the Conservation Area..

Other issues

An objector has raised concerns regarding the poor disabled access to the shop being located within the loft of the property and accessed via stairs. The shop has been inspected and approved by Building Control and justification submitted for the lack of disabled access. In addition the shop meets all the Building Control fire safety requirements.

An objection has been raised in respect of the proposed conditions to be imposed. The wording of the conditions are considered appropriate and will ensure customer activity does not take place outside of the specified hours including Prosecco Parties, which the applicant has agreed to cease. Whilst the conditions do not specify delivery hours, this is not considered necessary as the applicant has adequate off street parking and no harm to neighbouring amenity will occur. In any event, the applicants have indicated that they purchase the clothes and bring them to the site.

In terms of the enforceability of any conditions, they are considered enforceable and any breaches of a condition can be investigated by the Council.

Conclusion

Having regard to the above considerations, it is considered that the change of use to A1 shop is justified subject to the imposition of planning conditions to mitigate on street parking issues and subject to appropriate hours of operation. In view of the above it is recommended that planning permission be granted.

Conditions

01

The permission relates to an A1 clothes shop within the loftspace of No.7 Church Street only, and shall not be rented or sold as a separate A1 retail unit. The permission shall enure for the benefit of the applicant (Mrs Shepherd) and her business partner (Mrs Wadsjkaer) only.

Reason

The site is not suitable for a general A1 retail unit and due to the specific nature of the proposed development.

02

The use hereby permitted shall only be open to customers (including promotional events) between the following hours:

- Sunday: Closed
- Monday: Closed
- Tuesday: 12:00 - 16:00
- Wednesday: 10:00 - 16:00
- Thursday: 15:00 - 19:00
- Friday: 10:00 - 15:00
- Saturday: 09:00 - 12:00

Reason

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

03

Within 1 month of the date of the permission the parking arrangement shown on the amended parking layout received 18 June 2019 shall be marked out and brought into use. The parking shall be available for customers during working hours.

Reason

In the interests of highway safety.

04

The business shall be operated on an appointment basis only and details of all appointments shall be diarised (date/time) and be made available for inspection.

Reason

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

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.