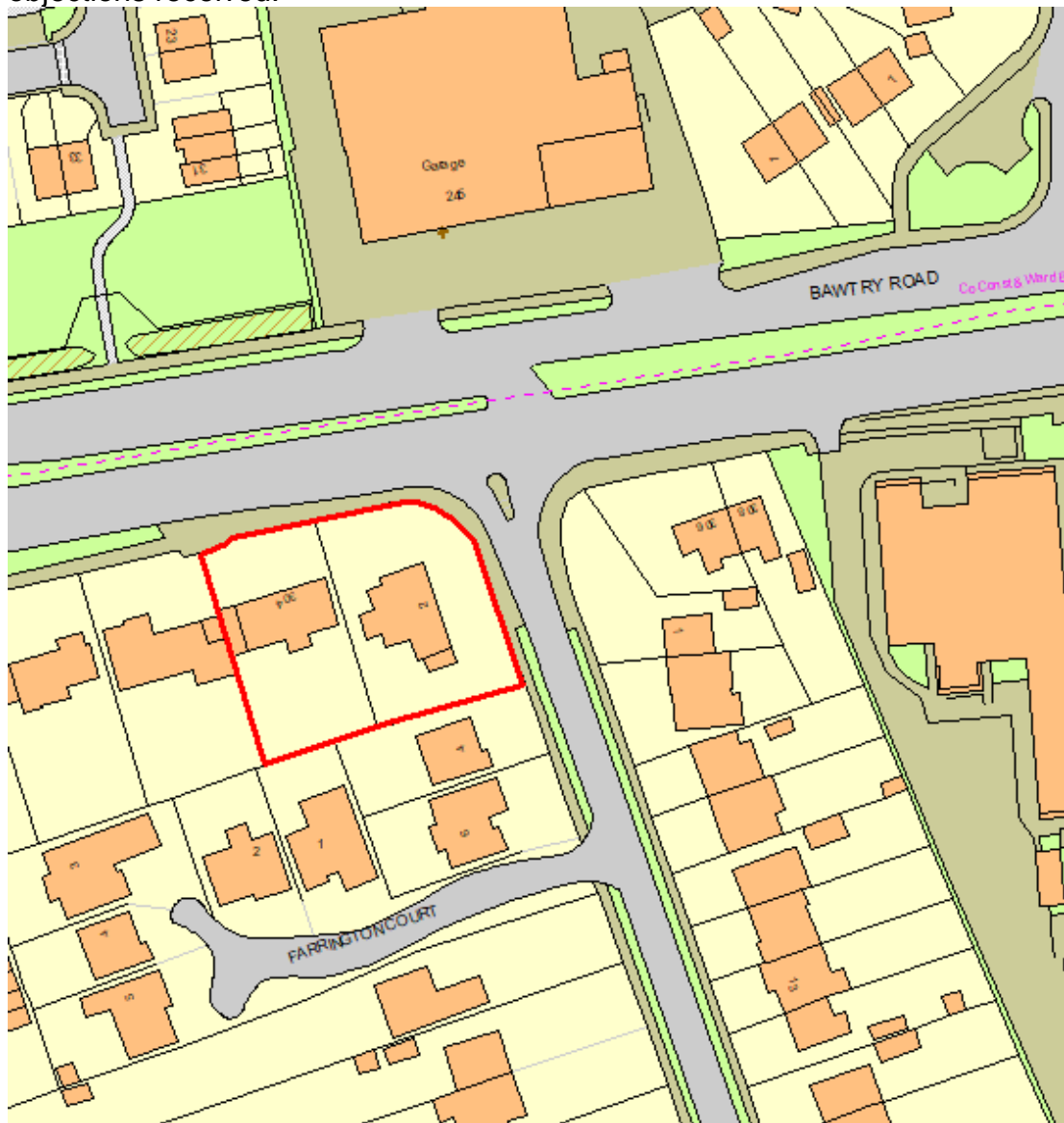


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 11TH AUGUST 2022**

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

Application Number	RB2022/0401 https://rotherham.planportal.co.uk/?id=RB2022/0401
Proposal and Location	Demolition of 2 No. bungalows and erection of 8 No. flats, land at 2 Goose Lane Wickersley
Recommendation	Grant conditionally

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



Site Description & Location

The application site is located on the corner of Goose Lane and Bawtry Road, and currently contains 2 separate single storey dwellings which front onto Bawtry Road. The bungalow on the corner currently takes vehicular access off Goose Lane and the other bungalow takes access directly off Bawtry Road.

One bungalow is brick built the other is rendered, there is a stone wall approximately 1 metre in height along the boundary of the site with the roads, with an existing hedgerow along some of the boundary inside the wall.

There is a single storey dwelling adjacent to the site to the west, with more modern 2 storey detached properties to the south of the site. There is a car dealership across Bawtry Road to the north and semi-detached, two storey properties to the east across Goose Lane with Wickersley School and Sports College beyond these.

Background

There are no relevant planning applications relating to the application site.

Proposal

The application was originally submitted to demolish the two bungalows and erect two buildings containing 8 flats which fronted onto Bawtry Road. This has since been amended to one building containing 8 flats which is located on the corner of the site fronting onto Goose Lane and Bawtry Road.

The amended scheme seeks permission for a two storey L shaped building which is located towards the corner of the plot fronting both highways. The elevation fronting Bawtry Road is proposed to be approximately 26.5m long with the elevation fronting onto Goose Lane being 22m long. It is proposed to be 5.2m to the eaves and 8m to the ridge of the roof. The building is proposed to be 13.3m away from the western boundary with the adjacent bungalow.

The building is proposed to be constructed from brick with feature stone elements projecting out along the frontages and on the corner, windows are to have stone surrounds, and slate tiles are proposed for the roof.

The existing wall around the site is to be retained, and the existing hedgerow around part of the site is proposed to be reduced to a lower height, and a new hedgerow to be planted along the remainder of the site frontage.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

CS14 Accessible Places and Managing Demand for Travel

CS 25 Dealing with Flood Risk

CS27 Community Health and Safety

CS28 Sustainable Design

SP11 Development in Residential Areas

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

Wickersley Neighbourhood Plan

GP1: High Quality Design

GP2: Stone Walls

H3: Sustainable Homes & Renewable Energy

M2: Parking Solutions

The South Yorkshire Residential Design Guide

SPD 2 Air Quality & Emissions (June 2020)

SPD 12 Transport Assessments, Travel Plans and Parking Standards

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 in February 2019. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

Publicity

The application was originally advertised by way of 16 individual neighbour notification letters sent to adjacent properties. Representations were received to the original application from 31 properties as well as Wickersley Parish Council and Cllr Collingham. Photos of the road at school times, and of refuse trucks have also been submitted. A petition objecting to the scheme with 46 signatures was also received

The objections are summarised below –

- Flats are not in keeping with this highly respectable area
- Already major parking problems on the street at school times, and the flats will make this worse
- not enough parking provision for occupiers and visitors
- Neighbouring roads would need double yellow lines
- Highway safety issues will be made worse at the junction for motorists and pedestrians
- The buildings would be dominant and out of character in the street scene due to their siting, scale, design, height and massing and be detrimental to adjacent properties and be an incongruous feature.
- The proposal takes up a greater proportion of the plot width
- Overdevelopment of the site causing overshadowing and block sunlight from existing gardens
- There are no other flats in the area
- The flats look like office blocks
- Increase noise disturbance and pollution
- Overlooking and loss of privacy to existing houses and gardens from multi occupancy buildings
- The building line is being brought forward
- Loss of garden and trees/shrubs would impact on environment
- Loss of existing view
- Increase activity would impact on neighbours health and wellbeing
- Opposite neighbour had planning permission refused for a garage, as it would have been in a prominent position in the front/side garden and would have been an incongruous feature in the streetscene - so how can the large building be approved?
- Negative impact on property values
- If approved it would set a precedent
- The proposal is contrary to the Wickersley Neighbourhood Plan or Design Code
- The proposed render is not in keeping with surroundings
- It will be prominent on key corner junction and be harmful to the area
- The proposals do not meet the need for family homes in Wickersley
- Increase transient occupiers will lead to an increase in crime and make existing properties vulnerable to intruders
- Antisocial behaviour will occur in the car park
- Where will the hedgehogs go?
- Construction phase will lead to increase traffic

- the provisions of the Human Rights Act Protocol 1 Article 1 which state that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land
- If granted, they should not be able to increase the height of the building under permitted development rights.
- Increased residents would increase pressure on local services
- The site plan and cabin plan differ
- Air B&B style apartments are not appropriate in this location

Cllr Collingham has objected on the grounds that –

- The proposal is not in keeping with the area, and is an unnecessary amount of development
- The proposal would add to the existing highway congestion and parking problems, especially at school times, there has recently been an accident here
- There is not enough car parking
- It is contrary to the NPPF
- There are no blocks of flats in the area so they would be wholly unsympathetic
- The scale and massing is out of context
- Existing residents will be completely overlooked and will lose their existing level of amenity
- Increase noise and light pollution from multi-occupancy development

Wickersley Parish Council raised objections as below –

- Inappropriate scale in relation to adjacent bungalows
- Adversely affect the outlook from Goose lane at its junction with Bawtry Road
- It is overdevelopment with little room for landscaping and amenity space
- Contrary to Wickersley Design Code
- Add traffic to an already heavily congested street with parked cars due to Wickersley Comprehensive School

Amended plans have been submitted and these were re publicised via individual neighbour notification letters being sent to all the neighbours originally notified and all objectors. As a result of this, objections have been received from 27 properties in addition to those already submitted as listed above as well as a petition containing 41 signatures and further comments from Wickersley Parish Council and Cllr Collingham, which have raised the additional issues –

- The building is in a very prominent position on the corner of Goose Lane and Bawtry Road and will dwarf neighbouring properties
- A more substantial boundary between the site and Farrington Court should be provided
- The planting is insufficient -Will the planting at the site be maintained
- The new building is well over the building line on both frontages
- The design of the building is basic and aesthetically displeasing

- The building looks like a prison establishment/institute
- The bike shelter is out of keeping with the area
- The bin store is adjacent to the neighbouring property and may lead to an increase in pests.
- The flats are not needed, smaller, accessible affordable units are needed
- Why has a single block of flats been proposed when it was originally refused
- The Planning Statement says that the scheme has been reduced from 10 to 8, however it was originally for 8 flats, it also states that the development would not lead to a significant impact on existing road infrastructure
- The proposal would have significant adverse impacts which outweigh any perceived benefits.
- The amended plans are far more imposing and obtrusive than the original and worsen overlooking onto Goose Lane
- An acoustic fence should be provided along the boundary with existing properties
- CCTV and security lights on the rear would be an infringement on neighbours privacy and a nuisance going on and off continually.
- A football tournament at Wickersley school caused major congestion at a weekend with cars parking and 200 cars being directed down Goose Lane.
- Traffic congestion is problematic for emergency vehicles.
- The new junction is dangerous – despite RMBC Highways comments stating that there have been no accidents within the last 3 years – this is untrue – there have been at least 2 incidents where emergency services were involved.

An additional petition has been received objecting to the application containing 41 signatures.

Wickersley Parish Council provided the additional objections –

- The proposal is out of character
- The proposal extends past the building line of both frontages
- A garage opposite the site was refused and the Inspector upheld it at appeal saying that it would look extremely prominent and incongruous within the locality, so how could a much larger building now be approved.
- Overdevelopment of site with little room for amenity space.
- It would harm residential amenity by dominating the outlook and noise and disturbance issues
- The corner plot should have a high quality building of exemplary design. It is not and is contrary to Policy SP55
- Contrary to Wickersley Design Code as requires replacement dwellings to respond to the defining characteristics of their immediate context. Building heights, plot widths, building lines, and scale and massing should be respected and referenced and informed by a robust site appraisal. No such appraisal has been carried out and the

development most certainly does not respect the current development character of this area

- The proposal only provides 10 parking spaces plus 1 disabled space for 8 dwellings which is below Rotherham's requirements of 1.5 spaces for each flat

Cllr Collingham has objected and raised the below additional points –

- The amended plans do not substantively address the original concerns identified.

Consultations

RMBC - Transportation Infrastructure Service – No objections subject to conditions

RMBC - Tree Services – No objections subject to conditions

RMBC – Drainage – No objections subject to conditions

RMBC - Environmental Health – No objections subject to conditions

RMBC - Land Contamination – No objections subject to conditions

Appraisal

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

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

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

The main considerations in the determination of the application are:
take into consideration in the determination of the application are –

- The principle of the development
- Design, layout and appearance
- Highways issues
- Drainage and flood risk issues
- Landscape, Trees and Ecology
- General amenity issues – contaminated land, noise and air quality
- Impact on existing/proposed residents.
- Other issues raised by objectors

The principle of the development

The application site is allocated for residential use within the Local Plan.

Policy SP11 'Development in Residential Areas' states, in part that *"Residential areas identified on the Policies Map shall be retained primarily for residential uses.*

All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies."

The proposal represents replacement dwellings within an established residential area which is considered acceptable in principle and in compliance with policy SP11.

Design, layout and appearance

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: *"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 also echoed in National Planning Policy in the NPPF.

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.

The newly adopted Wickersley Neighbourhood Plan Policy GP1 'High Quality Design' states that *"All new dwellings and commercial development should take account of, and comply with the guidance set out in the Wickersley Design Code. Development proposals must demonstrate how they respond to local character through submission of a local character appraisal that is commensurate to the size and detail of the proposal"*

The Wickersley Design Code contains detailed codes to be references when designing and assessing new developments. This application site falls within Housing Character Area 6, which is described as *"Eastern edge of*

Wickersley, defined by relationship with green spaces and woodland. Mixture of property types including semi-detached and detached, and in places larger flats/apartments. Materials and architectural styles vary throughout, reflecting the variety of ages of property”.

The Design Code states that in this Character Area new dwellings should –

- Respond to the prevailing layout and orientation which is linear
- Be predominantly 2 storeys
- Respond to existing materials which is mainly red brick with some examples of stone

The Design Code goes on to note that in this area that materials and architectural styles vary, and that most dwellings within the area keep to the building line of neighbouring properties, although there may be slight variations, and that “*the variety of building types results in the area lacking a distinctive and coherent set of key dimensions.*”

The Design Code includes the following Key Principles which are relevant to the proposal–

- Visual interest should be provided by staggering building lines and alternating how individual houses meet the street.
- A variety of massing should be included in close proximity to create an interesting skyline that will appear to have developed organically.
- Key corners and junctions should be marked by ‘gateway units’ that are different in scale and materiality to those forming the main streets. This will mark important nodes and contribute to wayfinding. Houses on these corners should be designed in such a way that both aspects facing the street provide visual interest and window opening.
- The boundary treatment to gardens are important contributors to the character of the village and should be maintained.

It also makes reference to providing parking within the curtilage, bin storage and the provision of drainage and other services.

The Design Code goes on to lay out Key Design Objectives which include that development should –

- Be informed by a contextual appraisal of the area
- Be sustainable and resilient to the effects of climate change and minimise energy consumption and mitigates flood risk
- Take into account landform, layout building orientation, massing and landscape feature
- ensure streets and spaces are well overlooked creating a positive relationship between the fronts and backs of buildings
- have access to local services and facilities including public transport connections
- provide a wide range of house types and tenures
- respect the local context, referencing and reinforcing the scale, height, density, grain, massing and details of its area

- ensures a sufficient level of well-integrated and imaginative solutions for car parking and cycle parking and external storage including for bins

The application is for the demolition of two bungalows and the erection of one, two storey building to contain 8 flats. It is noted that the applicant submitted a pre-application enquiry for one large building containing 10 flats fronting onto Bawtry Road, and was advised that that was not appropriate and that two smaller buildings should be provided which would have the character of individual dwellinghouses, to reduce the impact on the adjacent single storey dwelling.

This application was submitted on the basis of the pre-app guidance, with two, two storey buildings fronting onto Bawtry Road both containing 4 flats each. The Local Planning Authority considered that these buildings had a commercial appearance and were also shown to be located within 1.6m of the boundary with the single storey dwelling to the west which was considered to be an unacceptable form of development having an over dominant impact on the adjacent bungalow. The design and materials were not considered appropriate on his prominent site.

Through the application process the application has been amended so that the proposed new built development is located over 13m away from the boundary with the bungalow to the west. In doing so the applicant has taken the opportunity to utilise the key corner location of the site by orientating the building towards the corner and having principal frontages on both Bawtry Road and Goose Lane. The building has also been reduced in height from the originally submitted application from 8.9m to 7.8m, and whilst it is obviously taller than the bungalow to the west being 2 storey, it is a similar height to the two storey properties to the rear and to the east across Goose Lane.

The Design Code includes details for replacement dwellings which advocates that they should “*respond to the defining characteristics of their immediate context. Building heights, plot widths, building lines and scale and massing should be respected and referenced*”. It is noted that this 2 storey building containing 8 flats replaces two single storey dwellings, and is set forward of the immediate building line of both roads, it is also larger in scale and massing than the immediate surrounding buildings. It therefore does not comply with this aspect of the Design Code when looking at replacement dwellings.

However, the development has been designed to take advantage of the sites prominent corner location and in this respect complies with the Design Code where it states that “*key corners and junctions should be marked by ‘gateway units’ that are different in scale and materiality to those forming the main street. This will mark important nodes and contribute to improving wayfinding across new development sites. Houses on these corners should be designed in such a way that both aspects facing the street provide visual interest and window openings*”

It is considered that the development provides a gateway building, which is larger in scale than the surrounding buildings, and it has been designed to front onto both roads with principal elevations containing habitable room windows. The building is proposed to be constructed from red brick with stone feature elements on the principal elevations and stone window surrounds. In this regard the proposal is considered to comply with the Design Code by way of addressing the key corner site with a gateway building constructed from high quality materials.

The plan contains a bin store which was originally located adjacent to southern side boundary adjacent to 4 Goose Lane and constructed from timber. Following discussions with the applicant this has now been relocated away from the boundary of the existing residential property and is to be constructed from brickwork which is more acceptable visually and more durable. This is considered to be in line with details contained in the Design Code.

Policy GP2 'Stone Walls' states in part, that "*Existing traditional stone walls should be retained, wherever possible, in new developments or during the refurbishment or redevelopment of existing buildings or structures.*"

The proposal includes the retention of the stone wall along the boundary of the plot, with a small section on Bawtry Road and Goose Lane which are currently used as vehicular and pedestrian accesses being filled in to match the existing wall. This is therefore in compliance with the policy.

Policy H3: Sustainable Homes & Renewable Energy states that "*New housing developments that meet a high level of sustainable design and construction and are optimised for energy efficiency, targeting zero carbon emissions will be supported.*"

This includes the provision of:

A) high quality, thermally efficient building materials;

B) the installation of energy efficiency measures such as loft and wall insulation, and at a minimum, double glazing;

C) on-site energy generation from renewable sources;

Housing developments that include sustainable drainage systems (SuDS) and other flood mitigating and grey water solutions will be supported (see the Water Movement Diagram, Wickersley Design Code p.35).

Applications should refer to the Wickersley Design Code on p.32 & p.33 to ensure design proposals incorporate sustainable design principles such as ensuring that layout and orientation are optimised to maximise the potential for passive solar gain".

The Design Code notes that Sustainable Design also includes supporting habitats, providing permeable parking surfaces and sustainable urban drainage methods.

Following discussions the applicant has agreed to include the following sustainable measures –

- Higher forms of insulation subject to the Standard Assessment Procedure under new Building Regulations which came into force this year
- Electric vehicle Charging Points
- Bird Boxes
- Hard surfaced areas will be constructed from fully permeable finish
- Solar Panels on the southern elevation

The provision of the above measures is considered appropriate to comply with the condition.

Objections have been received on the basis that flats are not inkeeping with the area, however the overview of the character area in the Neighbourhood Plan identifies the character of the area as having a mixture of property types including in places larger flats/apartments. There have also been objections regarding the type of dwellings being proposed being inappropriate, however the Neighbourhood Plan also aims to secure a mix of house types and sizes to meet local needs. This is identified as the need for smaller properties, and that between 30-40% of new dwellings should be 2 or fewer bedrooms. Objections have been received regarding the potential occupiers of the development and their tenure, eg. they are more likely to be rented out and as such there would be a transient population which could lead to an increase in crime. The planning system cannot control the tenure or future occupiers of open market housing and as such this is not a material planning consideration.

Having regard to the above, whilst it is acknowledged that the building is larger than immediate surrounding buildings, it is noted that there is a mix of dwelling types and sizes locally, which is reflected in the Character Area description in the Design Code. The building is considered acceptable in terms of design, scale and appearance taking the opportunity to provide a key corner building in line with the Design Code and is considered to be in compliance with the relevant planning policies.

Highway 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.”*

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;”*

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

Neighbourhood Plan Policy M2 ‘Parking Solutions’ states that *“New developments should comply with design guidance contained in the Wickersley Design Code to produce design-led street layouts and parking solutions that provide in line with existing standards:*

- A) *high quality and secure on-site cycle storage;*
- B) *EV charging points;*
- C) *the expected amount of parking spaces, sizes of garages and driveways;*
and
- D) *where garages are provided, they should be to the rear or side of properties in the same architectural style as the house they serve.*

Parking provision is to conform to Rotherham Local Plan Supplementary Planning Document No. 12 Transport Assessments, Travel Plans and Parking Standards, or future updated guidance.”

The Councils Transportation Officer has been consulted on the application and notes that the application proposes 8, 2 bedroom flats and the scheme proposes 11 car parking spaces with an additional 1 accessible space bringing the total number of car parking spaces available to 12. This is in accordance with the Councils minimum parking standards which require 1 space per flat and a further 50% allocated visitor parking. It is also noted that the location is well served by public transport links and with local amenities situated close by, then the location is considered sustainable in transport terms.

In terms of visibility at the junction, it is noted that objections have been received on the grounds that there is an existing problem with indiscriminate parking in this location, particularly at school drop off and pick up times or when sporting events are taking place close by, In this regard the Council's Transportation Infrastructure Service have been consulted and have confirmed this to be the case, however the access is located in an acceptable location in relation to the junction of Goose Lane and Bawtry Road and the required visibility lines can be achieved for the scale of the development proposed. Accordingly, the development proposals are acceptable from a highway safety perspective.

Objections have also been received which reference to an accident in this location, however the Transportation Infrastructure Service do not have any recorded injury collisions. Recorded at the junction of Goose Lane and Bawtry Road within the last three years period of available data 21/5/2019 - 20/5/2022, and there have been no recorded injury collisions on Goose Lane in the same period of time, and as such this location is not considered as a road safety site of concern.

Many objections have been received to the application on the basis of highway safety for both motorists and pedestrians as well as lack of onsite parking provision for future occupiers and visitors. The Transportation Unit raise no objections to the proposal the basis of highway safety or parking issues. The parking provision is considered to comply with the Councils minimum parking standards as well as Wickersley neighbourhood Plan Policy M2, as cycle parking is proposed and the applicant has confirmed that electric vehicle charging points will be provided for every car parking space.

Photographs and videos have been submitted showing existing highway issues adjacent to the site which are mainly as a result of Wickersley Comprehensive school which is located close by to the east of the site. It is apparent that these issues already exist and are not as a result of this proposed development.

Many residents have already requested double yellow line to stop cars parking on Goose Lane, however this is not a planning matter to be considered as part of the determination of this application.

As noted above the Transportation Unit raise no objections to the application in terms of highway safety and consider that parking provision is acceptable.

Drainage and flood risk issues

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.”

Yorkshire Water raise no objections to the application. There are no objections from the Councils Drainage Engineer in terms of drainage or flooding issues, and conditions are recommended for the submission of detailed drainage plans. In this respect the proposal is considered acceptable and in compliance with relevant policies.

Landscape Trees and Ecology

Policy CS21 ‘Landscapes,’ states, in part, that: “*New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.”*

The application would result in loss of two existing residential gardens, and it proposes a new lawned area to the front of the building as well as shrub planting along the northwest and southern boundaries with the provision of 7 extra heavy trees to be planted along the boundaries. The corner plot has an existing hawthorn hedge which is proposed to be maintained to 1.8m in height, it is also proposed to continue this hedgerow along the frontage of Bawtry Road so that in time it will provide a continuous hedgerow along the boundary.

The landscape plan also shows an area of just over 1m in width to be planted with native shrub planting as well as a tree to provide some screening to be planted at a height of 3.5m - 4.25m in height, as well as 6 other trees around the boundaries of the site.

In terms of existing trees on site, the Councils Tree Consultant has noted that the site contains some small trees, shrubs and bushes and that a condition should be attached to any permission to protect the existing vegetation on site.

In terms of ecology, whilst it is noted that two existing gardens would be lost, the proposal does involve the landscaping of the site, as well as planting of trees and the continuation of the existing hedgerow which will mitigate the loss in ecological terms.

The applicant has agreed to provide bird boxes on the site to provide further ecological enhancement. There has been an objection in relation to the loss of hedgehogs, and in this respect an informative should be attached to any permission in relation to the relevant Wildlife Legislation.

Having regard to the above it is considered that the development is acceptable in terms of landscaping, trees and ecology.

General amenity 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."*

The application site has previously been used for residential use and is located within a predominantly residential area however it is located alongside Bawtry Road. The Environmental Health Officer has therefore recommended that a condition is attached to any permission requiring the submission of a noise assessment to ensure that any noise can be mitigated via suitable glazing and building techniques.

In terms of Air Quality the proposal is to include the provision of electric vehicle charging points for every car parking space to encourage the use of sustainable vehicles.

In terms of Land Contamination, based on the former history of the site and surrounding sites it is unlikely that significant contamination of the ground or controlled waters has occurred. Therefore, it is not anticipated there will be any risks to human health from contaminated land.

With the above in mind it is considered that the proposal accords with the above Local Plan policies.

Impact on existing/proposed residents.

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."

The South Yorkshire Residential Design Guide (SYRDG) notes that: "For the purposes of privacy and avoiding an 'overbearing' relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth."

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule. Furthermore so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 degree rule.

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."

It is noted that there are existing residential properties along the western and southern boundaries, with houses to the east across Goose Lane. There have been numerous objections from local residents regarding the impact that the development would have on them in terms of overlooking, loss of privacy in

garden areas and in dwellings, and an over dominating feel due to the location and size of flats proposed close to the boundaries of their properties.

It is acknowledged that the proposal would lead to the development of a two storey building containing 8 flats on a site where there is currently two single storey dwellings, however the windows on the southern elevation of the building are 16.7m from the boundary - measurement taken from the stairwell window, with the habitable room windows on this elevation being 18.6m from the boundary, which is well in excess of the 10m minimum required in the South Yorkshire Residential Design Guide (SYRDG). The side elevation of 4 Goose Lane is located to the south of the site with the habitable room windows on the southern elevation being located 22m from the side elevation. 1 Farrington Court is also located to the south of the site which has a single storey rear extension 27m away from the habitable room windows in the southern elevation, with 1st floor habitable room windows being over 31m away. The western elevation closest to 302 Bawtry Road is blank, and so the closest habitable room windows to this property are located 27.8m from the boundary. The closest property across Goose Lane has windows located 29.5m away from the windows the elevation facing this direction. It is therefore demonstrated that the proposal exceeds the minimum separation distances for developments included within the South Yorkshire Residential Design Guide (SYRDG), and as such the proposal is not considered to have any significant adverse impacts on privacy by virtue of overlooking from the proposal that would warrant refusing the application.

Objections have been received relating to the number of dwellings and the size and scale of the properties adjacent to their existing rear gardens and are concerned about the impact of these, and how it will impact their enjoyment of their homes and gardens. However, due to the separation distances between the existing dwellings and the proposed building, and its siting on the site it is not considered that the proposal would be overbearing in terms of scale and mass.

Objections have been received in relation to increased disturbance for existing residents from increased noise levels and light pollution. In this respect whilst it is acknowledged that the proposal provides for an increased number of dwellings on the site, the development remains residential in nature and as such and disturbance from increased occupancy of the site would not justify refusing the application, which is on a site allocated for residential use in a residential area. In relation to light pollution, a condition could be attached to any permission to require the submission of a sensitive lighting scheme, to ensure that any external lights are positioned and angled so to minimise any impact on existing residents.

Objections have also been received in relation to the potential for an increase in crime due to the flats, and also infringement on privacy of existing residents if CCTV cameras are erected. The potential for increased crime at the site, and the erection of CCTV cameras on the building and any issues to do with overlooking are not relevant planning consideration and would be covered by other legislation.

Objections have been received in relation to loss of views, devaluation of existing properties which are not material planning considerations.

Objections have been received that there is not enough garden area provided on the site for future residents. In this respect it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for the amount of amenity space to be provided at new properties. In this instance the proposal provides well in excess of the minimum requirement which is considered acceptable. Additionally the internal sizes of the apartments comply with the minimum standards laid out in the Technical Housing Standards – Nationally Described Space Standards.

The proposal provides sufficient amenity area and achieves the minimum separation distances. Issues regarding contaminated land, noise and air quality have been considered as noted above and where appropriate mitigation measures are to be incorporated into the scheme. As such it is considered that the scheme will provide a good standard of amenity for future residents. It is considered that the proposal is in accordance with the guidance outlined in the SYRDG, and that it would not have a significant adverse impact on the amenity of the existing residents as the proposal would not cause any significant loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. The proposal is therefore considered acceptable in accordance with the guidance contained within the SYRDG.

Other issues raised by objectors

Numerous objections have been raised by residents, many of which have been considered above and may be addressed by way of recommended planning conditions, and others are not material considerations to be taken into account in the determination of this application.

Objections have been received on the basis that if planning permission has recently been refused for a garage in the front/side garden of 1 Goose Lane opposite the site, and upheld at appeal, there is no way the planning permission should be granted for this much larger building in a similar location on the opposite side of the road.

The reason for refusal for the garage was –

“The Council considers that the proposed garage by virtue of its prominent position in the front/side garden would introduce an incongruous feature in the street scene and would appear out of keeping and harmful to the area. As such, the proposal would be detrimental to the visual amenity of the area contrary to the National Planning Policy Framework, Local Plan policies CS28 and SP55 and the Supplementary Planning Document - ‘Householder Design Guide’.”

In this respect, the proposed garage was assessed as an addition to a residential property, and was proposed to be located on the corner resulting in, as the Planning Inspector noted *“an awkward and discordant appearance when seen within this particular group of dwellings”*. He also went on to state that he would *“find the garage in that location would look extremely prominent and incongruous within the locality, effectively creating a feature that would look somewhat isolated in the area and would cause harm to the ordered pattern of development, causing material harm to the character and appearance of the area.”*

It is also noted that the application was assessed against guidance contained in the adopted Supplementary Planning Document – Householder Design Guide. In relation to Garages and Outbuildings this states in Design Guidance 2.7 that *“Garages should generally be restricted to rear and side gardens where they may benefit from permitted development”* and that *“The Council will not be supportive of garages in front gardens unless it can be demonstrated that no harm to the street scene will occur.”*

Therefore the proposal for the garage and this current proposal for 8 flats are not considered to be assessed on the same basis. The application site has existing built development in situ in the form of a single storey bungalow, and whilst the proposed building comes closer to the highways which it fronts than the existing dwelling, this is considered appropriate to provide a high quality key corner building on this prominent corner plot as addressed above in the report. It is considered that the refusal of the garage does not require this current proposal for 8 flats to be refused on the same grounds.

An objection has been received that if approved the flats could be extended upwards without the need for planning permission. Part 20 Class A of the Town and Country Planning Permitted Development Order does allow for the addition of storeys to flats without requiring planning permission in some instances. This permitted development right would not apply to this development (if approved) as the building would be less than 3 storeys in height.

Adjoining neighbours have requested that a more substantial boundary treatment and even an acoustic fence should be provided between the site and the existing houses. In this respect the applicant has stated that the southern and western boundaries are predominantly stone and will be retained. In this respect a condition can be attached to the permission requiring the submission of details for approval.

Objections on the grounds that the development contravenes the Human Rights Act have been received. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. During the planning application process the effects of this proposal on individuals have been considered and weighed against the wider public interest. It is therefore not considered that the proposal breaches the Human Rights Act.

Conclusion

The site is in an area allocated for residential use within the adopted Rotherham Local Plan, and as such the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, drainage, landscaping trees and ecology as well as other general amenity issues identified above. The scheme is considered to be sustainable and would also support the ongoing delivery of services and facilities within Wickersley and provide much needed market housing to meet Local Plan targets for housing development within the Plan period to 2028.

Overall the scheme is considered to be in accordance with the Development Plan, Wickersley Neighbourhood Plan and with the policies in the NPPF. As such, the proposal is recommended for approval subject to the following conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **14, 18 & 20** 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 14,18 & 20 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

01

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

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to assist in the delivery of development.

02

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

- Site Location Plan
- Site Plan Drg BR19 Drg 1
- Proposed Site Plan Drg No BR19 Drg 2 Rev B submitted on 15-07-22
- Amended Elevations Drg No BR17 Drg 5
-

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 (including the bin store), hereby permitted have been submitted 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.

04

The stone boundary wall along the northern and eastern boundary shall be retained throughout the lifetime of the development hereby approved.

Reason

In the interest of visual amenity of the area and in accordance with Local Plan policies

05

The gap in the stone wall in the north western corner of the site fronting Bawtry Road, and the former pedestrian access gate fronting Goose Lane shall be filled in with stone to match the existing front boundary wall before the development is brought into use.

Reason

In the interest of visual amenity of the area and in accordance with Local Plan policies

06

No above ground development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected along the western and southern boundaries. The boundary treatment shall be completed before the development is brought into use.

Reason

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

TRANSPORTATION / SUSTAINABILITY

07

Before any above ground development commences on site details of how the existing vehicle access on the A631 Bawtry Road which served 304 Bawtry Road shall be permanently closed and the footway reinstated shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented within 2 weeks of the approved access being brought into use.

Reason

In the interest of Highway Safety

08

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

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

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

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

Reason

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

09

Before the development is brought into use the car parking area shown on Drg No BR19 Drg 2 Rev B submitted on 15-07-22 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.

10

The cycle parking facilities shall be provided on site before the development is brought into use and retained for the lifetime of the development.

Reason

In the interests of sustainable development in accordance with the Local Plan and the NPPF

11

Prior to the first occupation of the development, details of one electric vehicle charging point per parking space shall be submitted to and approved by the Local Planning Authority. The development shall not be occupied until the charging point have been provided and shall thereafter be retained for the lifetime of the development.

Reason

In the interests of sustainable development and air quality in accordance with the Local Plan and the NPPF.

AMENITY

12

Before the commencement of any above ground development details of a noise impact assessment by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences. If the noise attenuation measures include windows being kept closed, then details of alternative ventilation over background ventilation will be required.

The assessment shall be appropriate for all times of day and night. The report should include all raw measurement data and any supporting calculations. The approved details shall be implemented on site prior to the occupation of the development.

Reason

To safeguard the amenities of the occupiers of the proposed development in accordance with Local Plan policies.

13

In accordance with the findings of the above condition 12, if windows need to be kept closed, then prior to the commencement of any above ground development details of a ventilation scheme for rooms where windows need to be kept closed to prevent excessive noise levels shall be submitted to and approved in writing by the Local Planning Authority.

The ventilation scheme shall provide the following information:

- Identify which rooms of which plots referenced back to the approved Noise Assessment require a ventilation system
- The acoustic specification of the proposed ventilation system demonstrating that when operated it will not cause indoor noise target levels to be exceeded
- The ventilation scheme must demonstrate how habitable rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows. This should include details of the air intake location and any

summer bypass for any heat recovery system including a calculation for air changes/hour. A Standard Assessment Procedure (SAP) assessment would be acceptable to demonstrate that a risk of overheating is minimised.

All works which form part of the approved scheme shall be completed prior to occupation of the development.

Reason

To safeguard the amenities of the occupiers of the proposed development in accordance with Local Plan policies.

14

Prior to any development commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities.
- Artificial lighting used in connection with all construction related activities and security of the construction site.

The approved plan shall be adhered to throughout the construction of the development.

Reason

To safeguard the amenities of the occupiers of the proposed development in accordance with Local Plan policies.

15

Prior to the installation of any external lighting at the site details of a sympathetic lighting scheme shall be submitted to and approved by the Local Planning Authority. No additional security lighting shall be installed, without the prior written consent of the Local Planning Authority. The approved lighting scheme shall be implemented on site before the development is brought into use.

Reason

In the interest of the amenity of neighbouring residents and in accordance with the Local Plan

ENVIRONMENTAL

16

If during development works unexpected significant contamination is encountered, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning 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.

Reasons

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.

17

Details of the number, style and location of bird boxes to be located within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the relevant dwelling is occupied.

Reason

In the interest of Biodiversity of the site in accordance with Local Plan Policies

18

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

Reason

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

LANDSCAPING AND TREES

19

Before the development is brought into use, the approved Landscape scheme as indicated on Dwg No 1384-001 Rev A shall be implemented in accordance with the details contained within Planting Schedule Dwg No. 138002 Rev A in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837*, with tree works proposals. All trees must be plotted on a scaled site plan**, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan** detailing all trees and hedgerows planned for retention and removal.
- A schedule of tree works for all the retained trees and hedges specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A Tree/Hedge protection plan** in accordance with BS5837* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

*Using the most recent revision the of the Standard

** Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

21

No above ground development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan and supporting information indicating the location and type of solar photovoltaic panels to be installed on the southern elevation of the roof. The panels shall thereafter be installed prior to first occupation and be retained for for operational use foor the lifetime of the development.

Reason

To ensure the development incorporates sustainable design principles in accordance with the Wickersley Neighbourhood Plan

Informatives

01

Closing up of vehicular access - note this is a shared vehicle access and therefore only part of the vehicle access will be closed)

02

there is an existing illuminated road sign (mandatory turn left sign) on Goose Lane, in the approximate area where the extended driveway to the development is proposed. Should the proposed formation of the driveway affect this sign, then contact should be made with Rotherham MBC's Streetpride Department in order for arrangements to be agreed to relocate the illuminated sign at the applicant's expense.

03

Measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved should be carried out, please see attached Informative Note in this respect.

04

Wildlife Legislation

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

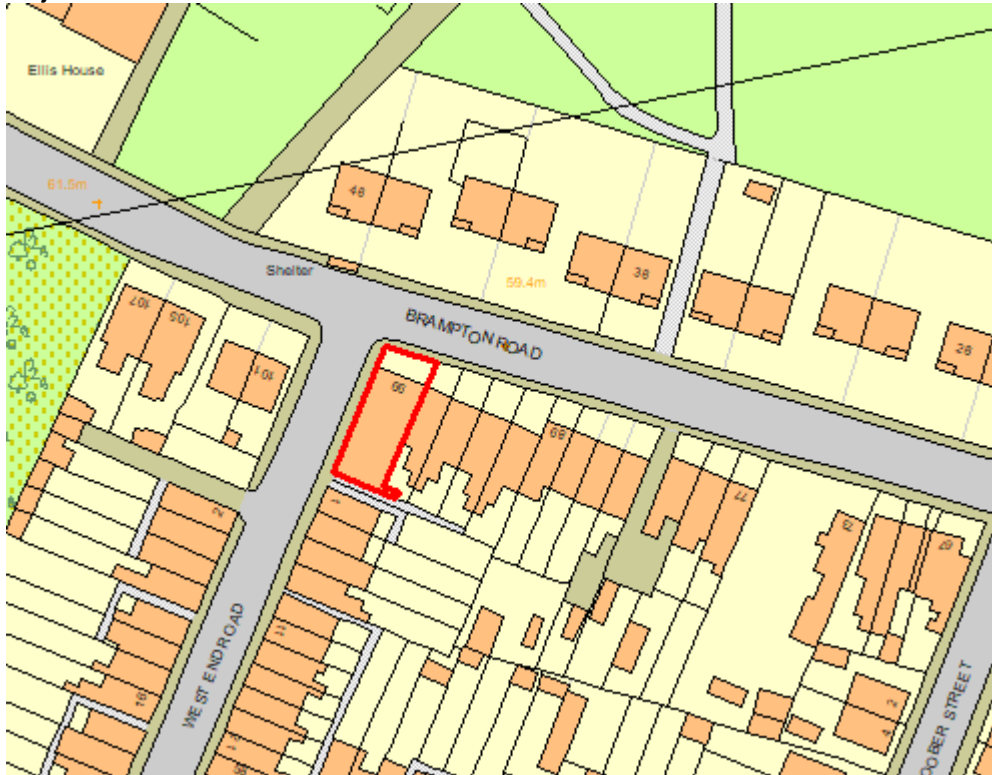
Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

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, however was amended further through the application process. It is considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2022/0762 https://rotherham.planportal.co.uk/?id=RB2022/0762
Proposal and Location	Change of use of existing office to form retail shop (Class E) with residential over (Class C3) and installation of 5 No. anti-ram bollards to front, entrance door to side, and first floor windows to side and rear, at 99 Brampton Road, Wath upon Dearne, Rotherham S63 6BA
Recommendation	Grant conditionally

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



Site Description & Location

The application site is an end terrace property located on a corner plot fronting Brampton Road. The premises have a long history of commercial use dating back to the 1970's where planning records show that it was a Co-operative store, this was subsequently changed in 2001 to an office use.

The surrounding properties are residential dwellings of varying type with terraced properties to the east, semi-detached bungalows to the north, and two storey semi-detached houses to the west, all on Brampton Road, and more terrace properties to the south on West End Road.

Background

There have been several previous planning applications relating to this site, the most recent and relevant are:

R93/1493P - Use of premises for storage, assembly, packing, trade and retail sales of fish keeping equipment, including administration office and alterations to shop front – Granted Conditionally. Condition 02 attached to that permission states:

02

The premises shall be used for the storage, assembly, packing, trade and retail sales of fish keeping equipment including an administration office only and for no other purposes (including any other purpose in class B1 of the schedule to the Town and Country Planning Use Classes Order 1987) without the prior permission of the Local Planning Authority.

Reason

The premises are not considered suitable for general use within the class quoted.

RB2001/1640 - Use of premises as office accommodation and ancillary exhibition area (non-compliance with condition 2 (use for purpose stated only) imposed by RB1993/1493) – Granted Conditionally. Condition 01 attached to that permission states:

01

The premises shall be used for an administrative office for the sale of overseas properties with ancillary exhibition area and Consumer Credit only and for no other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes Order 1987)

Reason

The premises are not considered suitable for general use within the Class quoted for B1 reasons.

RB2022/0403 - Change of use to hot food take-away – Withdrawn

RB2022/0406 - Display of illuminated fascia sign - Withdrawn

Proposal

The application has been submitted by the same applicant as the previous application for the change of use to a hot food take away, that was subsequently withdrawn.

This application seeks full planning permission to change the use of the building from an existing office to a retail shop (Class E) with residential over (Class C3), and includes the installation of 5 No. anti-ram bollards within the front forecourt area, and alterations to the appearance of the side and rear elevations. Within the property located at the rear it is indicated to create an area for storage and the siting of waste bins.

To the side elevation facing West End Road it is proposed to install a new entrance door to give access to the first floor. The existing storage area at first floor level is to be converted to a three bedroom apartment with one new window provided at first floor level on the side elevation (serving a landing area) and two new high level windows provided on the rear elevation. An existing boarded opening at first floor level on the side elevation would be re-opened and reduced in height, and a further boarded opening at ground floor level would be bricked up.

The applicant's agent has provided further details by email which states that the intended use is as a convenience store.

In response to officer enquiries they have also stated the following:

- The proposed internal bin storage area will be used by the store and the residents above.
- The residential unit above is separate from the store.
- There are existing external air conditioning units on the side elevation serving the ground floor which will be retained.
- No external lighting is proposed.
- The fascia sign is not proposed to be illuminated.
- Opening hours proposed by Environmental Health officers of 0800 – 2200 Monday – Sunday with no deliveries outside these hours is acceptable to the applicant.

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 within a Residential allocation in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy:

CS9 'Transforming Rotherham's Economy'

CS27 'Community Health and Safety'

CS28 'Sustainable Design'

SP11 'Development in Residential Areas'

SP52 'Pollution Control'

SP55 'Design Principles'

SP59 'Shop Front Design'

Other Material Considerations

SPD6 Shop Front Design Guide

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

National Planning Practice Guidance (NPPG)

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

Publicity

The application has been advertised by way of neighbour notification letters and by the display of a site notice. 7 letters of representation have been received, and the comments are summarised below –

- My objections are the same (as for the proposed conversion to a hot food take-away) as I believe the description has been changed to try and confuse the local residents and this property will still end up as a fast food establishment, of which there are already numerous within the area
- Increase parking and traffic in a residential area
- Increase noise and air pollution
- It could be retail or café, no need for any more on this road
- If used as a café it would be similar to a takeaway increased traffic, selling food near a school and increase litter
- This does not support the Rotherham plan of healthy eating/reducing obesity
- This is a residential area with bungalows for the elderly and disabled
- The parking situation is already poor, any increase will cause a traffic hazard on a very busy road
- The application has not been publicised therefore we have not a chance to comment
- There is nowhere for the business to put rubbish as there is no outdoor space.
- A café will attract large groups of people and I would feel unsafe
- There is an existing problem with hygiene due to vermin in adjacent property
- This would devalue my house

The occupiers of one residential property have requested the Right to Speak at the Planning Board meeting.

Consultations

RMBC - Transportation and Highways Design - Note that if approved a 3 bedroom property over a retail shop will be provided, and that there is no parking provision made as part of the application. However, as the site is located near to bus stops and local schools, the location can be considered sustainable in transport terms, and as such, they confirm that they have no objection to the granting of planning permission in a highway context.

RMBC - Environmental Health – Note that in an application of this nature there is the potential for disturbance from noise associated with customer use, deliveries to the store, and the use of artificial lighting to the front of the store and in car parking areas. In addition, the proposed development has the potential to increase the level of litter in the local area causing annoyance and attracting vermin.

However, following receipt of the additional information with regard to bin storage, and confirmation that they do not intend to fit any external lighting and equipment, Environmental Health raise no objections subject to the imposition of a condition regarding any subsequent plant being approved prior to installation.

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 are –

- Principle of development
- Design
- Impact on residential amenity
- Transportation considerations
- Other matters raised by local residents

Principle of development

The site is within an area identified for Residential purposes on the adopted Local Plan.

Local Plan Policy CS9 'Transforming Rotherham's Economy' states that Rotherham's economic performance and transformation will be supported by "Encouraging developments which support small and start-up businesses."

Policy SP11 'Development in Residential Areas' advises 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."

The supporting text to the Policy states that: "Certain non-residential uses will be allowed in residential areas where they are ancillary and complementary to the main residential use. Such uses could include proposals for convenience shops serving the local area only."

Whilst the site has been identified for Residential purposes on the adopted Local Plan, this property has a long standing use as a commercial premises dating back to at least the 1970's. Therefore it is considered that the principle of the commercial use has been established here and that a small convenience store serving the needs of the local residents is a suitable use in this location, and the proposal complies with Policy SP11 'Development in Residential Areas' in this respect.

The potential impact on nearby occupiers is discussed in more detail below.

The proposed residential use of the first floor is considered to be an appropriate use.

Design

Local Plan Policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham and should also take all opportunities to improve the character and quality of an area and the way it functions. protect or contribute to securing a healthy and safe environment, including minimising opportunities for crime, the risk of terrorism and addressing any specific risks to health or safety from the local environment.

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. Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals (amongst others);

f. the provision of satisfactory arrangements for the storage and collection of refuse, recyclable materials and garden waste to enable easy and convenient recycling and composting;

The external changes to the property are minimal and relate mainly to the addition of new windows and a door to serve the residential accommodation and 5 No. anti-ram bollards to the front of the store.

The property has no external areas to the rear therefore the proposal incorporates an internal storage area for bins and waste at ground floor level within the rear area of the property.

Policy SP 59 'Shop Front Design' further states that "The Council will seek the highest standards in the control of shop frontage by requiring new or replacement shop fronts to be designed so that:

- a. they respect the character of the whole building and the overall character of the street scene;
- b. they respect the period and style of the building in terms of proportion and quality of materials and relate well to neighbouring properties;
- d. security precautions give protection against burglary and vandalism whilst respecting amenity and public safety;

SPD6 Shop Front Design Guide states that "External roller shutters will only be considered suitable if it can be demonstrated that there is no other alternative and each application will be assessed on its own merits."

The proposal indicates the retention of the existing shop front and existing roller shutter to the front and the installation of 5 No. anti-ram bollards across the front elevation to protect from 'ram raiding' as advised by South Yorkshire Police.

As the alterations to the property are minimal and will increase the security of the premises it is considered that this will not have any detrimental impact on the existing streetscene.

Impact on residential amenity

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

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

The NPPF states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

Concerns have been raised by local residents with regard to the previous application that was submitted by the same applicant (RB2022/0403) for a proposed take-away, with associated parking, litter, vermin and general amenity issues of such a use, as well as potentially affecting the health of local residents in terms of healthy eating options. The objectors consider that the current application has been submitted as a way to gain approval which would subsequently be changed to a café/take-away use.

The proposed use as a convenience store would fall within Class E with the proposed residential accommodation above being within Class C3. However, Class E now includes a wide variety of uses, some of which may not be suitable in this location close to residential properties, as they may have an adverse impact on residential amenity. Therefore, if the Planning Board is minded to grant this permission it is recommended that a condition is imposed limiting the use of the property to a retail use (Class E(a)) and for no other use within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The Council's Environmental Health section have assessed the proposed use of the premises as a convenience store and subject to the additional information that has been submitted regarding waste disposal, lighting and external plant they have raised no objections.

It is therefore considered that the development, subject to the recommended conditions, would not have an unacceptable detrimental impact on the residential amenity of the neighbouring and surrounding residential properties and would comply with Policy SP52 Pollution Control in this respect.

In terms of the proposed residential apartment at first floor level the submitted plans have been amended slightly so that the internal layout now complies with the national spacing standards in regard to room sizes, and the provision of residential accommodation is considered to be acceptable in regard to the residential amenity of existing and future occupiers.

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.”

Objections to the proposal have been raised in terms of parking issues and increased traffic which would be generated by the proposal.

The Transportation Infrastructure Service do not have any objections to the application in terms of the site’s sustainability, or highway safety issues. It is therefore considered that the proposal is acceptable from a transportation aspect and that it complies with the relevant Local Plan policies.

Other issues raised by objectors

Objections have been received on the grounds that the Council has not been transparent and communicated sufficiently with the local community. In relation to the planning application, seven neighbouring properties were consulted by letter and a site notice displayed initially, with a further ten neighbours being consulted during the course of the application with all neighbours and objectors subsequently informed that the application was being presented to the Planning Board and offered the Right to Speak at the Board meeting. This fully accords with statutory requirements for the publicity of a planning application of this nature.

Any impact on property values is not a material planning consideration.

Conclusion

Having regard to all of the above, and notwithstanding the issues raised by the objectors, it is considered that the proposed change of use to a retail store with flat above, and the associated insertion of 5 No. anti-ram bollards and alterations to the elevations are acceptable, and it is recommended that planning permission be granted subject to the recommended conditions set out below.

Conditions

01

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

Reason

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

02

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

Drawing nos 201A, 202A,204A,205A,206A,207A received 13 May 2022 and 203B received 21 July 2022.

03

The ground floor of the premises shall be used as a retail store only (Use Class E(a)) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking and re-enacting that Order with or without modification).

Reason

The premises are not considered suitable for general use within the Class quoted for amenity reasons.

04

The use hereby permitted shall only be open to customers or for deliveries between the hours of 0800 – 2200 every day.

Reason

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

05

No new fixed plant shall be installed on the premises without the prior written approval of the Local Planning Authority.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with Local Plan Policy SP52.

06

Prior to their insertion, details of the 5 no. anti-ram bollards shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity.

POSITIVE AND PROACTIVE STATEMENT

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