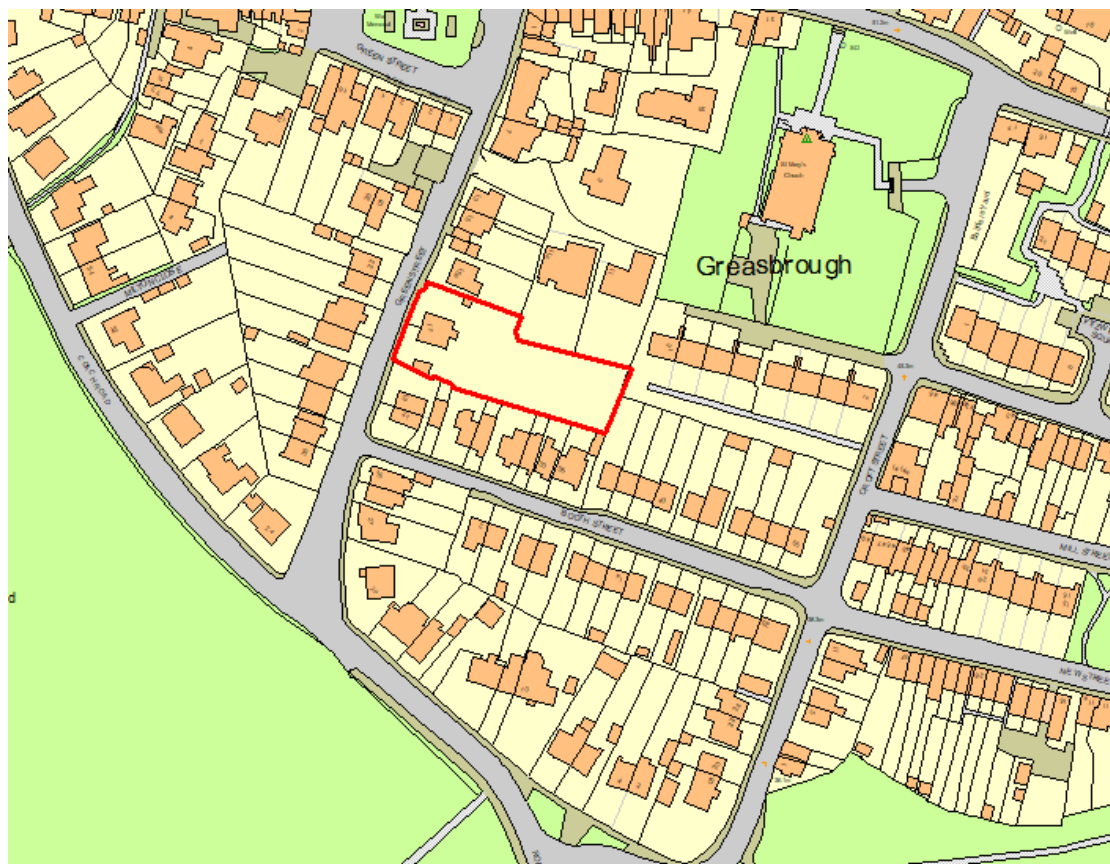


REPORT TO THE PLANNING BOARD TO BE HELD ON THE 14 August 2025

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	RB2024/1362 https://rotherham.planportal.co.uk/?id=RB2024/1362
Proposal and Location	Erection of 3 dwellings at 17 Green Street, Greasbrough, Rotherham
Recommendation	Refuse

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



Site Description & Location

The application site relates to the rear garden area of the two storey detached property at no. 17 Green Street in Greasbrough. The host property lies off the eastern side of Green Street.

The site lies within the Greasbrough Conservation Area. The property has a large rear garden that backs onto neighbouring gardens of properties on Booth Street.

The application site slopes down moderately from north to south and there is a difference in land levels between the site and the rear back gardens of properties on Booth Street. The site is accessed directly from Green Street. It is also noted that Green Street only has a single pedestrian footway which is located on the eastern side of the street.

The site is within a long established residential area and has residential dwellings bordering all sides of the property.

Background

This site has the following previous planning history:

RB2022/0133 – Two storey side and single storey rear extension – granted

The garage to the original development has been demolished and it is understood that this permission has been implemented.

RB2022/0890 – Change of Use of Dwellinghouse (C3) to Residential Care Accommodation (C2) including two storey side extension and single storey rear extension – anticipated to be withdrawn

Proposal

This is a full application which proposes the erection of 3no. new dwellinghouses on the site.

The new properties are proposed to be served by a new access from Green Street. The initial proposed access was to be on the southern side of the host property at no. 17. This has since changed to come in from the northern side of the property.

The changes to the proposal can be summarised as follows:

- Re-location of the proposed access into the site from the south of the host property to the north.
- This involves the re-design of plot 1 from a two storey property to a single storey bungalow, as well as the re-positioning of plot 1 from the northern part of the site, to the south.
- The access into the site involves a revised internal layout to manoeuvre a vehicle into the rear driveways of the host property and plot 1.
- The side and rear extensions on the host property have been removed.

Plot 1 will be single storey in height and have its main entrance facing west onto Green Street with pedestrian access coming from Green Street. The plot has a traditional design with a mix of brick and render external materials. A total of two bedrooms are proposed.

Plot 2 which is located further to the north of the rear garden area will be a dormer bungalow with living space at first floor level. This includes rooflights

in the front elevation and large flat roofed dormer window on the rear elevations. Three bedrooms in total are proposed, of which two will be within the rear dormer.

Plot 3 located to the south will be a single storey scale only with a total of two bedrooms.

All plots have their own parking bays, but will share a communal driveway to access the properties. This also includes the host property which will also use the communal vehicular access with offroad parking re-located to the rear garden. This results in a reduced garden area at the rear.

An Arboricultural Report has been submitted in support of the development and this can be summarised as follows:

- A total of 14 items of woody vegetation, comprised of 10 individual trees and 4 tree groups or hedges.
- Of the surveyed trees: 1 tree is retention category 'U', 11 trees and 1 tree groups are retention category 'C'.
- 1 tree is retention category 'B'
- Much of the site contains little of arboricultural significance, having once been laid to grass but now generally consisting of dense scrub, nettles and brambles.
- Species diversity at the site is relatively low. The dominant species is Apple and Cypress with some adjacent Sorbus and Cherry.
- Most of the trees are semi-mature with only occasional young, early-mature and mature trees.
- The site's most significant tree is the adjacent Maple T6. This was entirely inaccessible at the time of surveying, and visibility of the stem and lower crown was largely obscured by Ivy. Thus it was given only a cursory inspection and all measurements are approximate. This tree is prominent throughout the site and surrounding area and provides a moderate level of amenity value.

Concerns were raised within the initial submission that this appears to be overdevelopment. Additional details have been supplied including cross sections in particular to existing properties along the northern elevation of Booth Street and plot 3 of the development. This included an amendment to the scheme to reduce the land levels relative to current land levels, although in some areas there is an increase in land levels to create a level access/parking area.

A Biodiversity Metric has been provided which indicates the following:

- The proposed development will result in an overall deficit in Habitat Units (-0.38 Habitat units), and will require an increase of 0.76 habitat units and 0.04 hedgerow units to achieve +10% BNG.

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 28th 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:

Core Strategy policy(s):

CS3 Location of New Development

CS14 'Accessible Places and Managing Demand for Travel'

CS20 'Biodiversity and Geodiversity'

CS28 'Sustainable Design'

CS33 'Presumption in Favour of Sustainable Development'

Sites and Policies

SP11 Development in Residential Areas

SP26 Car Parking Layout

SP32 Green Infrastructure and Landscape

SP33 'Conserving and Enhancing the Natural Environment'

SP41 'Conservation Areas'

SP55 Design Principles

SP56 'Car Parking'

Other Material Considerations

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 in December 2024. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

South Yorkshire Residential Design Guide.

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

Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties along with two site notices, one located on green Street and one on Booth Street. Approximately of 25

representations have been received in total and these can be summarised below:

- Access to the site cannot be easily achieved by a HGV.
- The conclusion that 1 vehicular movement in the peak hour makes no sense.
- The owner of the new property on Green Street is more likely to park on the road frontage instead of the parking area to the rear.
- Insufficient parking for the development.
- Queried that the front wall of the property is Listed.
- 4no. plots on this site represents overdevelopment.
- Concern about increased surface water drainage issues to neighbouring properties.
- General concern about the additional pressure on existing services, including school places.
- Increased overlooking to neighbouring properties.
- Dominant impact to neighbouring properties.

The application has been re-advertised following receipt of amended plans (the proposal has been revised to access the site from the north of the host property) with all initial objectors being re-notified.

This resulted in 5 representations being received and these can be summarised below:

- The revisions do not overcome the fundamental concerns with the development, which is still overdevelopment.
- Plot 3 is still too close to the existing plots on Booth Street.
- The landowner is waiting for the existing building to collapse in order to re-develop the whole site.
- The new access will conflict with an adjacent property which houses elderly residents who require carers.
- Concern about increased surface water runoff.

A total of 3 Rights to Speak have been received.

Consultations

RMBC

Transportation Infrastructure Service – recommend refusal on lack of visibility

Drainage – no objections subject to condition

Ecologist – no objections subject to condition

Tree Officer – no comments

External

Yorkshire Water – no objections subject to condition

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 of the application are as follows:

- The principle of development
- Highway safety issues
- The design of the proposal, impact on the street scene and character of the immediate surrounding area and nearby residential properties
- Trees and Landscaping
- Other issues

Principle of development

The application site is located in an existing garden area allocated residential within the adopted Local Plan and there is an existing property on the site.

Whilst the principle of a residential development would be acceptable in purely land use terms, the assessment of the design and details of any new development will be critical and this will be considered in the paragraphs below. In particular the scale and density of the new development and how this relates with the character, design and density of the surroundings and Conservation Area.

Highway safety issues

Policy SP 56 'Car Parking Layout' indicates that layouts must be designed to:

- a. reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street;*
- b. discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway; and*
- c. ensure in-curtilage / on plot parking does not result in streets dominated by parking platforms to the front of the property or large expanses of garage doors fronting the street.*

The Transportation Unit note that a further revised drawing has been submitted (ref 105/69 03 Rev J, dated June 2024) and have provided commentary on the vehicle access location. The Transportation Unit also note that it is unlikely that the applicant will be able to amend the proposed

development further to accommodate any further vehicle access amendments within the confines of the existing application, and as such, the application should be considered, as it is presented currently.

The revised submitted drawing, indicates the intended sight lines at the proposed vehicle access. These sight lines will require the relocation of the existing wall along the site frontage on the south side of the proposed vehicle access, and the total removal of the wall along the site frontage, north of the proposed vehicle access.

The Highway Officer notes that Green Street is residential in nature and subject to a 20mph speed limit restriction. There is no footway provision opposite the development site and a footway substandard in width, directly outside the development site.

Swept path drawings for a fire engine size vehicle entering and leaving the development have also been submitted, which demonstrate that this size of vehicle, will require the whole width of Green Street to be able to both enter and leave the site appropriately. It should be noted that off street parking for residents is limited, with on street parking taking place, in the vicinity of the development site access. It is noted that this on street parking may be detrimental to the capability of large vehicles entering and leaving the site, in accordance with the submitted swept path drawings.

“...As you will recall from my previous memorandums, the proposal if implemented, will represent an intensification of the site, with all vehicles, including residents, any visitors and deliveries to plots 2 and 3, accessing parking to the rear of the existing dwelling i.e. to the east of the site.

I note from the submitted drawing, that the sight line to the left (south) when exiting the site, is annotated on plan at a distance of 25m. The visibility to the right, is shown as 18.8m. You will appreciate that the visibility shown to the right when exiting the site access is severely restricted, such that the driver of a vehicle leaving the access must emerge into the highway before an acceptable degree of visibility is achieved. You will appreciate that this is detrimental to the safety of both vehicles and pedestrians travelling along Green Street.

As the distance to the right provided on the submitted plan is below the recommended distance, provided in Manual for Streets, which, for a road subject to a 20mph speed limit is 25m, then a driver must emerge into the highway before an acceptable degree of visibility is achieved which is detrimental to road safety, and therefore I would recommend that the application is refused on the following grounds:

‘Visibility at the proposed vehicular access to Green Street is severely restricted to the right, such that the driver of a vehicle leaving the site, must emerge into the highway before an acceptable degree of visibility is available to the detriment of highway safety’.”

Overall therefore the Transportation Unit are unable to support the application from a highway safety context and this forms the first reason for refusal.

The design of the proposal, impact on the street scene and character of the immediate surrounding area including neighbouring properties

Local Plan policy CS28 'Sustainable Design' indicates 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. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Policy SP11 'Development in Residential Areas' states areas identified for residential shall be primarily retained for residential uses and all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

Policy SP12 'Development on Residential Gardens' states that *Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:*

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

Policy SP41 'Conservation Areas' indicates '*...Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles:developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings...spaces, street patterns, views, vistas, uses, trees and landscapes which contribute to the special character or appearance of a Conservation Area will be safeguarded.*

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."*

In this instance the surrounding character of the area is mixed with varying in terms of house types and materials. However, the large majority of properties are two storeys in height (with the exception of one high dormer style bungalow adjacent to the site). In terms of more general design considerations the revised NPPF at paragraph 131 states, in part, that: *"The creation of high quality and sustainable buildings and places is fundamental to what the planning and development process should achieve."* Paragraph 139

adds, in part, that: *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.”*

The sloping site and change in land levels is significant and will have a substantial impact on the design of the development. Amended plans submitted during the consideration of this application now show a bungalow property proposed to infill to the side of No. 17 Green Street on the site frontage. The bungalow is a typical single storey plot which is sited between two traditional two storey properties in a prominent location within the street and the Conservation Area.

As set out above, the wider street scene is characterised by plots which have generous spacing distances between them. Plot 1, being both a bungalow and being set at lower levels than the host property will have a cramped appearance being squeezed into the restricted area immediately to south of the host property. The site is within the Conservation Area and the bungalow would appear wholly at odds with the general grain of the area in this part of Green Street and would be materially detrimental to the overall character of both the street scene and wider Conservation Area.

Whilst this new plot is not considered to have a dominant impact on the host property due to its much smaller scale, it does however have a cramped appearance which is also exacerbated by drop in land levels. Overall, therefore the revised position of this plot is considered to have an unsatisfactory visual impact on the character of this part of the street scene and Conservation Area.

In terms of garden/amenity areas it is noted that the development shows the new properties and host property will all have a private rear amenity area that exceeds the minimum recommended amenity area of 60sqm. However, in all cases, this amenity area is restricted as plots have to accommodate driveways and rear gardens are also narrow plots which are sited close to the neighbouring boundaries.

In terms of the impact on neighbouring properties, Local Plan Policy SP12 states that development would only be permitted where...

b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness;

The properties along Booth Street have been in place for many years, though a large number of these have spacing distances to the rear which are significantly lower than the current minimal standard of 10m as outlined in the SYRDG. In addition, a number of these properties have rear garden area which are 1.5-2m lower than the ground levels of the adjacent site area.

The gable side of plot 03 is beneath 12m to the nearest existing properties on Booth Street. The initial plans were unable to achieve a 25 degree spacing

outlook from a midpoint from existing rear windows to the top of the future roofline, which is also expected in the SYRDG.

In order to try and reduce the dominance on the properties, a revised cross section shows that site levels will be reduced with plots 02 and 03 having a split level development. It is accepted that a 25 degree outlook from the ground floor windows of existing properties can now be achieved. However, the bungalow property closest to the rear gardens on Booth Street is still close to private amenity space and is set at a significantly higher level. It will undoubtedly have a dominant appearance when viewed from the already restricted private rear garden areas of these neighbouring properties.

The development shows a large areas of car parking and turning areas in the existing rear garden of the development. This creates a large proportion of hardsurfacing required for the turning area and driveways which also contributes further to the generally car dominated appearance. The development is considered to have a poor relationship with the existing properties along Booth Street to the south, by virtue of being set at significantly higher land levels. The car parking area is significantly higher than adjacent properties and their garden areas and activity including parking vehicles, lights from vehicles and general movements is likely to lead to loss of privacy to these rear garden areas when new residents are entering or leaving the properties and associated vehicles. A further concern is that cars coming into the site and manoeuvring into the driveways will shine headlights into the rear elevations of properties on Booth Street, causing disturbance, particularly in winter months and the hours of darkness.

The applicant has attempted to counter the above concerns by putting a new fence along the southern boundary. It is accepted that this may mitigate some of the concerns, but this leads to a further imposing boundary structure at a higher level than existing properties. The height of this structure is again exacerbated by the short rear gardens of existing properties.

Overall, the new development is considered to have an unsatisfactory impact on the neighbouring properties to the south along Booth Street and their already restricted private rear garden areas. The new infill plot on the Green Street frontage is considered to be set in an overly close proximity to the two storey host property which is considered to have a cramped appearance on the street scene.

This development on a back garden is therefore considered to conflict with paragraph (b) and (c) of Local Plan Policy SP12 'Development on Residential Gardens' by virtue of having an overbearing impact on neighbouring properties contrary to Local Plan Policies CS28 Sustainable Design, SP12 Development on Residential Gardens and SP56 'Design Principles' and SYRDG as well as the general advice within the NPPF.

Trees and Landscaping

The majority of the site represents existing garden area with relatively limited landscaping located within the central area other than grass.

It is noted that an accompanying tree report and Arboricultural Method Statement has been submitted with the application. There are existing trees within the site, though the majority of these would be retained. The most significant tree (A category B tree) lies in adjacent site area in the north east of the site, some of which overhangs the boundary. However, this should not be affected by the proposed development. Tree protection fencing is also proposed to safeguard any neighbouring trees and landscaping. The Tree Officer has not specifically commented on the application.

Overall therefore it is considered that the applicant has demonstrated that this element of the proposal complies with policy SP32 'Green Infrastructure and Landscape'. It is not considered that this would represent grounds for refusal on potential impact on adjacent trees or landscaped areas.

Other issues

Drainage

The Drainage Officer has not raised any specific objections to the proposal in terms of flood risk or drainage issues.

Yorkshire Water have not raised any objections, subject to conditions.

The site does not lie within a Coal Mining Risk area and it is not necessary to consult the Coal Authority or submit a formal Coal Mining Risk Assessment.

Noise

The Environmental Health department have not raised any specific issues from a noise or pollution control standpoint. It is not considered that this proposal raises any specific noise issues.

The proposal is therefore considered to meet the criteria of policy SP52 'Pollution Control' indicates 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.

Biodiversity Net Gain

It is noted that under the new Environment Act 2021 all new planning permissions granted will have to deliver 10% biodiversity net gain from April 2024.

The BNG metric indicates that the overall change on the site will result in a total net loss of 0.29 (-33.40%) of habitat units and no net change in hedgerow units.

A standard condition regarding the provision of 10% gain of BNG enhancement would address the above and may require that off site

contributions are provided. It is considered that this would meet the aims of policy SP33 'Conserving and Enhancing the Natural Environment'. There are no reasons for refusal on ecology grounds.

Conclusion

Overall in land use terms, the site is allocated for residential purposes and the principle of a new development is acceptable. However, it is considered that the land available for a development of 3no. units in this instance is of an insufficient size to accommodate the scale and type of development proposed.

The proposal has insufficient visibility at its vehicular access to Green Street to the detriment of highway safety.

The proposed development is considered to have a cramped form and appearance on Green Street which would be detrimental to the character of the area and Conservation Area. In addition, there are significant concerns that the higher land levels of the application site are likely to lead to further disturbance from the development and loss of privacy and overbearing impact to rear gardens, and secondary dominance from fencing required to try and mitigate loss of privacy. The development is therefore contrary to Local Plan Policies CS28, SP11, SP12, SP41 and SP56.

Whilst the application has been amended numerous times to try and overcome It is not considered that these elements can be overcome without a significant re-design and likely reduction in the number of units.

The application is recommended for refusal.

Reason(s) for Refusal

01

The Council considers that visibility at the proposed vehicular access to Green Street is severely restricted to the right, such that the driver of a vehicle leaving the site, must emerge into the highway before an acceptable degree of visibility is available. The proposed development would be significantly detrimental in terms of highway safety.

02

The Council also considers that the revised design and re-positioning of plot 01 with its cramped appearance and single storey bungalow design in close proximity to the host property, along with the big drop in rooflines has an overall unsatisfactory visual appearance on the street scene and Conservation Area. The proposal is at odds with the character of the surrounding built form on this part of Green Street in conflicts with the general advice within CS28 Sustainable Design, SP12 'Development on Residential Gardens', SP55 'Design Principles' SP41 'Conservation Areas' and the NPPF which advocates high quality design principles.

03

The Council further considers that the overall design and layout of the proposed development has an unsatisfactory relationship with existing properties along Booth Street due to the higher land levels leading to loss of privacy and overbearing impact to already restricted private rear garden areas. The boundary fencing proposed to mitigate this, further increases the dominant impact on neighbours. Accordingly, the development is considered to be of an unsatisfactory design which is in conflict with Local Plan policies CS28 Sustainable Design, SP12 'Development on Residential Gardens', SP55 'Design Principles' and the SYRDG which advocates good design principles with particular emphasis on preventing dominance and loss of privacy to neighbours.

POSITIVE AND PROACTIVE STATEMENT

Discussions during the determination of the application have identified that it is not possible to support a scheme of this nature. Whilst further amendments and clarifications to support the scheme have been submitted, these do not address the highway fundamentals of the existing application to make it acceptable. It was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.

Application Number	RB2025/0083 https://rotherham.planportal.co.uk/?id=RB2025/0083
Proposal and Location	Demolition of existing dwelling and erection of two storey detached dwelling with detached dormer bungalow to rear including installation of flue, erection of front boundary railings, and alterations to existing vehicular access at 9 Moat Lane Wickersley Rotherham S66 1DZ
Recommendation	1. The applicant shall enter into a Unilateral Undertaking to ensure that Dwelling 1 is constructed within 5 years of the occupation of Dwelling 2. 2. Subject to the signing of the Unilateral Undertaking, planning permission be Granted Conditionally

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



Site Description & Location

This application relates to an existing detached dormer bungalow located on Moat Lane at Wickersley adjacent to the entrance to Moatlands. The site comprises approximately 1,740 square metres with vehicular access directly from Moat Lane.

The site itself slopes gently upwards from the front to the rear with a gradual overall change of approximately 2 metres. There are a number of trees and bushes on site and some trees have been removed prior to the submission of this application.

The site frontage is enclosed by a tall fence with vegetation to the rear, and access gates across the driveway.

The locality is residential in nature with a mixture of house types within the streetscene, with large detached houses being located adjacent to bungalows. There is also a mix of materials including brick and render.

Background

There have been several applications relating to this site and the surrounding land and properties. The most relevant are:

RB1998/1342 - Erection of three dwellings on land to the rear of 9 and 11 Moat Lane – Granted conditionally

RB2000/0837 - Erection of 5 detached houses rear of 5, 9 and 11 Moat Lane – Granted conditionally

RB2001/0475 - Erection of a detached dwelling and garage (resubmission of RB2000/1342) – Granted conditionally

RB2005/0699 - Conservatory to side and rear of 9 Moat Lane – Granted conditionally

RB2008/0778 - Single storey front & side extension to replace existing conservatory & utility room, single storey side extension and detached double garage to front at 11 Moat Lane – Granted conditionally – partially implemented.

RB2024/0506 - Erection of detached two storey dwelling with attached double garage – Withdrawn

CIL

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 application seeks full planning permission for the demolition of the existing bungalow and detached garage and the construction of a two storey dwelling with rooms in the roofspace to the front of the site to replace the existing bungalow, and the construction of a dormer bungalow on the rear garden area, with both dwellings sharing a single access from Moat Lane.

The application has been amended several times to address issues raised by officers and objectors. The final revision consists of the following:

Dwelling 1

A two storey detached dwelling with a pitched roof over with rooms in the roof space with roof lights located approximately 1.3m from the finished floor level, and a single storey wrap around projection with a flat roof over.

To the front of the proposed dwelling is a two storey glazed entrance feature and an integral garage, with additional off road parking to the front of the dwelling.

The submitted floor plans indicate that there would be 6 bedrooms in total, including two in the roofspace.

The dwelling is indicated to be constructed in brickwork to the ground floor with a render finish to the first floor with a black/grey tiled roof.

Dwelling 2

A detached L shape dormer bungalow with a pitched roof over and rooms in the roof space incorporating dormer windows and rooflights and an integral garage and off road parking.

The submitted floor plans indicate that there would be 4 bedrooms in the roofspace.

The dwelling is indicated to be constructed with a render finish over a brickwork plinth with a black/grey tiled roof.

The original plans for Dwelling 2 have been amended to incorporate a small rear off shot with a side facing dormer window and a high level window to the rear at ground floor level with alterations to the roof design to include a pitched roof to the shared boundary with No. 11 replacing the rear gable section, and the installation of a flue.

To the front of the site it is proposed to extend the existing vehicular access to 6 metres in width with the footway to the front being extended to 2 metres at the front tapering to 1.5m adjacent to the boundary with No. 11. This will require the removal of the front boundary fence and wall which will be replaced by 1.8m high wrought iron railings retaining most of the existing trees and shrubs behind the boundary.

The submitted Design and Access Statement indicates that both dwellings incorporate the following sustainable and renewable energy features:

- High-quality, thermally efficient materials and on-site renewable energy generation (e.g., solar panels with battery storage).
- Electric vehicle charging points for both properties.
- Sustainable drainage measures, water butts, dedicated bin storage and rainwater harvesting including re-use of grey water.
- Air source heat pump systems will be used in both properties.
- MVHR systems (Mechanical Ventilation with Heat Recovery).

The application includes a Landscape plan which identifies the trees to be removed, those to be retained and additional planting proposed.

The application also includes section plans to show differing land levels along Moatlands and the streetscene on Moat Lane. The applicant's agent has also submitted a Plot Usage plan to show the comparative footprints of the new dwellings and the adjacent dwellings.

The applicant has submitted the following timeline in support of the application:

- The client will initially move into the existing bungalow at No.9 Moat Lane.
- While residing there, the client will commence construction of the rear dwelling.
- Once the rear dwelling is completed and the client has relocated, construction of the front property will begin.

We are happy to formalise this phasing approach through a legal agreement, which would:

- Confirm that the front property will be constructed within 5 years of completion of the rear dwelling; and
- Acknowledge that full discharge of planning conditions will not be granted until the front dwelling is constructed.

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):

CS3: Location of New Development

CS14 'Accessible Places and Managing Demand for Travel,

CS27 'Community Health and Safety'

CS28 'Sustainable Design'

CS33 'Presumption in Favour of Sustainable Development'

CS3: Location of New Development

SP12 'Development on Residential Gardens'

SP26 'Sustainable Transport for Development'

SP33 'Conserving the Natural Environment'

SP52 'Pollution Control'

SP55 'Design Principles'

Rotherham Adopted SPDs:

SPD 2 Air Quality and Emissions

SPD 11 Natural Environment
SPD 12 Transport Assessments, Travel Plans and Parking Standards
(Adopted June 2021)
SPD 14 Trees

Other Material Considerations

National Planning Practice Guidance (NPPG).

National Planning Policy Framework: The revised NPPF 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.

South Yorkshire Residential Design Guide

Wickersley Neighbourhood Plan and Design Code

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. Letters of representation with regard to the original submission have been received from 9 individual residents.

The comments can be summarised as follows:

- Currently have private rear garden, not overlooked in a quiet area with lovely views and natural light, the new dwellings will impact on all of this.
- Rear windows do not comply with the required spacing distance to neighbours' windows impacting on privacy, mental well-being and daylight levels.
- Increased traffic on Moat Lane.
- The proposal fails to demonstrate sufficient off road parking increasing pressure on Moat Lane and Moatlands which already suffer from parking congestion.
- 6 healthy trees were removed prior to submission of the application.
- Streetscene image is not correct, gives a misleading impression of how the houses will integrate into the street.
- Impact on environment and increased noise and pollution.
- Concerned that if these are to be 'self-build' it could take several years and the dust could impact on neighbours physical health.

- Represents a dense form of backland development which fails to preserve the character of the area and is contrary to the Wickersley Design Code.
- Doesn't meet the demand for smaller homes requested in the Wickersley Neighbourhood Plan
- Will not adhere to Wickersley Design Code.
- There is a predominance of bungalows in the locality and the existing bungalow should be replaced by a single storey dwelling.
- Moat Lane is one of the last peaceful roads in Wickersley, although other residential areas do have extensions built very close to each other, that is the nature of where they live, Moat Lane is historically made up of properties with their own slice of the country, creating a peaceful living environment.
- Significant disruption, noise and mess during construction phase.
- Maybe a covenant restricting built distance to highway.
- Impact on future sale value.

Following receipt of amended plans the neighbours were reconsulted and the comments received can be summarised as follows:

- The rear property is now shown to have a footprint which is nearly double the size of the front dwelling. This violates long-established planning principles that require back garden developments to be subservient to the main dwelling.
- Introduction of a full height bedroom window in Dwelling 2 which impacts on privacy of dwelling opposite.
- The effect is cramped, dominant, and unsympathetic to the character of surrounding homes.
- Material changes to the plans not flagged up to neighbours.
- The plans do not demonstrate proper separation between dwelling 1 and existing properties opposite on Moat Lane.
- The plans fail to clarify whether the established hedgerow at the front of the property will be retained for screening purposes.
- Original objections still relevant.
- The proposal completely ignores the Wickersley Neighbourhood Plan which was subject to significant public consultation.
- Landscape Masterplan and Tree Protection Plan only published one day prior to deadline for comments.
- The relocation of existing structures such as garden rooms and sheds — never disclosed in prior plans.
- Ornamental planting and sparse tree proposals, which do not meaningfully address the impact of increased massing, or the direct overlooking introduced by the new Bedroom 3 window.
- Constructed on elevated ground, giving it an even more prominent profile.
- Using the term dormer bungalow down plays the true scale and potential impact of the development.

At the time of writing this report there have been Right to Speak requests from the applicant and 3 objectors.

Consultations

RMBC – Transportation Infrastructure Service: Note that the vehicle access is to be widened to 6m, for a distance of 10m from the back of the footway and this width will taper to 3.1m, alongside the first dwelling. I also note that the footway along the site frontage is to be widened to 2m, tapering to 1.5m which will then tie into the existing footway, which will ensure that adequate visibility is achieved. It is also noted that parking in accordance with the Council's parking standards is provided, and turning facilities are provided for each of the proposed dwellings. As such they raise no objections in highway terms subject to recommended conditions with regard to the above.

RMBC – Tree Service: Raise concerns regarding the tree removal but consider that a mitigation solution could be agreed if existing trees are protected during construction and a suitable tree planting mitigation plan is agreed and enacted.

RMBC – Ecology: Note that in order to achieve the 10% Biodiversity Net Gain (BNG) the development needs to provide e 0.30 habitat units and 0.02 hedgerow units.

The application will be subject to a general biodiversity gain condition to secure the biodiversity gain objective. This condition is a pre-commencement condition; once planning permission has been granted and approved a Biodiversity Gain Plan must be submitted and approved by the Planning Authority before commencement of development. A finalised biodiversity net gain metric must also be submitted alongside this. The site will also require some general biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes etc.

RMBC – Drainage: Request full drainage to be submitted prior to commencement.

RMBC – Environmental Health: Note that the site is within very close proximity to surrounding residential premises located on Moat Lane and Moatlands. There is concern that this may cause disturbance to the occupiers of those properties due to noise and dust generated during the demolition and construction phases therefore an informative is recommended to address this.

South Yorkshire Police Designing Out Crime Officer: Has made recommendations with regard to security measures for the new dwellings

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.

Paragraph 11 of the NPPF states, in part, that: *"Plans and decisions should apply a presumption in favour of sustainable development." It goes on to state that "For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole" (footnotes omitted).*

The main considerations in the determination of the application are:

- The principle of the development.
- The design and the impact on the locality.
- The impact on the residential amenity of adjacent occupiers.
- Transportation and highway issues.
- Trees
- Ecology and Biodiversity Net Gain
- Air Quality
- Other issues raised by objectors

The Principle of the development

The site is located in an area identified for Residential purposes in the adopted Local Plan therefore the use of the land for a residential dwelling is acceptable in principle.

Local Plan policy SP12 'Development on Residential Gardens' states: *"proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:*

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

Having regard to the above, the proposals are assessed below against the 3 criteria set out in the policy:

- a) the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future:

In respect of (a), the proposal relates to a single plot adjacent to other residential dwellings and as such there is no scope for a comprehensive scheme in the wider area to be achieved in the future and as such point (a) of the above policy would be met.

- b) the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, or loss of light or obtrusiveness:

The proposed windows have been positioned such that they meet the required spacing distances from other habitable room windows on both the adjacent properties and the other new proposed dwelling. The properties themselves meet the required spacing distances. Issues raised by objectors in these respects are discussed further below.

- c) development would not result in harm to the character of the area

The area is characterised by dwellings of varying design and size, however, concerns have been received from the objectors with regard to the size of the dwellings and whether they fit in the streetscene and comply with the Wickersley Design Code and these are discussed further below.

The design and impact on the locality

In respect of design considerations 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".

Furthermore, CS28 'Sustainable Design' indicates 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. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The NPPF at paragraph 135 states that "Planning policies and decisions should ensure that developments: (amongst others)

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The Wickersley Design Code contains detailed codes to be referenced 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.

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 also includes key 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 features.
- Have access to local services and facilities including public transport connections.
- Respect the local context, referencing and reinforcing the scale, height, density, grain, massing and details of its area.
- Ensure a sufficient level of well-integrated and imaginative solutions for car parking and cycle parking and external storage including for bins.

Concerns have been raised by nearby occupiers that the proposed dwellings are cramped, dominant, and unsympathetic to the character of surrounding homes; that the bungalow to the rear is not subservient to the main dwelling at the front of the site; and that the proposal represents a dense form of backland development which fails to preserve the character of the area and is contrary to the Wickersley Design Code.

Whilst it is acknowledged that the site currently contains a relatively small bungalow, the surrounding area is characterised by dwellings of differing sizes and designs and the footprints of the proposed dwellings as identified on the submitted plan do not differ greatly from many of the surrounding dwellings.

The applicant has submitted a proposed timeline for development to ensure that any planning permission granted would require the full permission to be implemented by the construction of both dwellings and this can be secured by a Unilateral Undertaking so that the backland dwelling is subservient to the dwelling on the site frontage in line with the Wickersley Design Code.

The Wickersley Design Code identifies that in this area of Wickersley the materials and architectural styles vary, and that the variety of building types results in the area lacking a distinctive and coherent set of key dimensions. The proposed materials of construction are similar to the materials used in nearby dwellings and therefore in compliance with this.

Further concerns have been raised that the proposal would be out of character with the rest of Moat Lane in regard to the dwellings proximity to adjacent dwellings. The other dwellings on Moat Lane are all detached dwellings and whilst the majority do have space around and between them, other properties have been constructed or extended up to the site boundary as is proposed here.

Small amendments have been made several times to the original design and it is considered that in design terms the proposed dwellings are acceptable in regard to the existing streetscene and surrounding area and will not be out of keeping with the overall layout of the area.

Finally, the proposed railings to the front are considered a visual improvement to the existing tall fence located on the front boundary.

With regard to design the proposals are considered to comply with the Local Plan Policies, the NPPF and the Wickersley Design Code.

The impact on the residential amenity of adjacent occupiers.

Policy SP55 'Design Principles' notes that: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals (amongst other things): g. the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."

Paragraph 135(f) of the NPPF states 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 South Yorkshire Residential Design Guide sets out inter-house spacing standards which state there should be 21 metres between principal elevations containing habitable room windows and that no habitable room window should come within 10 metres of a boundary with another property.

Objections to the proposals have been received in terms of proximity of habitable room windows, overbearing impact and loss of light.

With regard to Dwelling 1 this is to be located closer to the adjacent bungalow at No. 11 than the existing property, however the section closest to that dwelling will be single storey only and there will be a small gap between the single storey element and the boundary. The property at No. 11 has been extended in the past by the addition of a small study to the side and a conservatory to the front which has somewhat reduced the light into the kitchen.

The side extension on No. 11 only has high level windows to the side and whilst it is acknowledged that the proposed dwelling will reduce the light to that room it is considered the proposed dwelling cannot be refused on this basis as this is not a feature of the original house. In addition, a 2m high fence could be erected on the boundary, directly adjacent to these high level windows which would similarly reduce light to this section of the dwelling.

The rear gardens to No. 11 Moat Lane and 1 Moatlands are currently screened from the adjacent site at 9 Moat Lane by mature bushes, it is recommended that a condition be imposed to retain these as far as possible to minimise any overbearing impact on the residents of the adjacent dwellings.

With regard to the nearest dwelling at the rear, No. 1 Moatlands, this property has a secondary side facing window to the kitchen facing the rear of Dwelling 2, which would be located approximately 12m away. However, the amended design now has a small offshoot to the rear of dwelling 2, with only a rear high level window facing No. 1 Moatlands. This would ensure that there is no direct overlooking between habitable rooms and would be in compliance with the spacing standards.

Whilst there are other habitable room windows at the rear of dwelling 2, these are located such that they don't directly face the habitable room window on the side of No. 1 Moatlands, and would be partially obscured by the rear off shot section of the proposed dwelling.

With regard to the impact on 6 Moatlands, the side of dwelling 2 would face their front elevation and garage. The proposed side facing dormer windows in dwelling 2 would be located approximately 30m from their front elevation, well over the minimum distance set out in the South Yorkshire Residential Design Guide.

In terms of the properties on the opposite side of Moat Lane, Dwelling 1 is to be constructed slightly further forward than the existing bungalow, but would

still be over 17m from the front boundary and whilst the existing boundary treatment is to be replaced to widen the footway across the front of the site the majority of the trees and bushes will remain to provide a level of screening from the highway.

In assessing all of the above, the proposed dwellings meet the required spacing standards in terms of habitable and non habitable room windows and whilst new windows are being introduced where none currently exist, they comply with all the required spacing distances and as such are acceptable in planning terms.

However, in order to protect the privacy of adjacent occupiers it is recommended that permitted development rights be removed by the imposition of a condition with regard to extensions to the properties and the installation of additional windows in the roof of Dwelling 2.

Transportation and 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."

Proposals for new development should be assessed against the Local Plan Policy SP56 'Car parking Layout' and the adopted SPD 'Transport Assessments, Travel Plans and Parking Standards'. These set out the access and parking requirements for new dwellings.

Paragraph 116 of the NPPF states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The proposal includes using the existing vehicular access from Moat Lane to serve both dwellings, with a proposed increase in the width of the access to 6m and a set-back to increase the pavement width to 2m tapering to 1.5m adjacent to the boundary with No. 11. This will require the removal of the front boundary fence and wall which will be replaced by 1.8m high wrought iron railings retaining most of the existing trees and shrubs behind the boundary.

Highways officers have assessed the proposals and welcome the proposed widening of the access and footpath, and note that parking is to be provided in accordance with the Council's parking standards with turning facilities provided for each dwelling.

As such, they raise no concerns in a highway context subject to the imposition of relevant conditions.

Drainage

No drainage details have been submitted and these will be required to be submitted and approved before the work commences.

Trees

The tree officer notes that trees have been removed prior to the submission of the application.

Trees Supplementary Planning Document states: "Where there is evidence of prior felling, Rotherham Tree Replacement Standard (RTRS) will be applied retrospectively to include all trees felled prior to the submission of the planning application. In this way any trees felled before the development will be taken into account when considering the application of RTRS.

From the size of the stumps and looking at the two remaining older fruit trees, it is considered highly likely that these were large mature standard fruit trees, with significant cultural, habitat and landscape value. There are also some signs that one exhibited veteran features, such as cavities and deadwood, that would be hard to replace. The trees are included in the pictures submitted as part of the Design and Access statement.

The Tree Service objects to the felling of potentially rare, valuable mature fruit trees, prior to survey, in order to facilitate development. However, a mitigation solution has been submitted which the Tree Service has commented on stating that , on the whole, the design addresses the trees' needs well on the site. Significant trees have been retained on site. Most trees to be retained are category C, with one notable category B beech in the north of the site (see below), and a large Scots pine to the south of the site. The trees required to be removed, some of which are in internal areas, are proposed to be removed to accommodate the design. These are generally poor, all condition category C, and of unsuitable species to retain within the design.

Further tree removal would be controlled by way of a recommended planning condition, along with a condition relating to the approved tree protection plan for the remaining trees.

Biodiversity

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

The application will be subject to a general biodiversity gain condition to secure the 10% biodiversity gain objective. This condition is a pre-

commencement condition; once planning permission has been approved a Biodiversity Gain Plan must be submitted to and approved by the Local Planning Authority before commencement of development. A finalised biodiversity net gain metric must also be submitted alongside this.

In line with the submitted report it should also be conditioned that if any vegetation or structures are required to be removed as part of the development then this should be undertaken outside of the bird breeding season (March to August inclusive).

The site will separately require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting bricks/boxes and hedgehog holes. This is in line with the National Planning Policy Framework Paragraph 180 (d), stating that opportunities to improve biodiversity in and around development should be integrated as part of their design.

Air Quality

Policy CS30 'Low Carbon & Renewable Energy Generation' states: "Development must seek to reduce carbon dioxide emissions thorough the inclusion of mitigation measures..." In addition, regard will be had to the guidance contained within Council's adopted SPD 'Air Quality and Emissions'.

NPPF states at paragraph 112 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The Wickersley Design Code also states that dwellings should: "Be sustainable and resilient to the effects of climate change and minimise energy consumption."

The proposal includes various sustainable and renewable energy features including EV charging points, solar panels and air source heat pumps.

A condition requiring details of the proposed renewable energy features to be submitted is recommended to achieve this.

Other Issues Raised by Objectors

Several other matters have been raised by local residents and are addressed below

Impact on property values:

This is not a material planning consideration and cannot be taken into account in the assessment of this application.

Restrictive Covenants:

The issues of covenants on the properties in this area has been raised. This would be a separate legal issue outside of the planning system and is not a

material planning consideration and cannot be taken into account in the assessment of this application.

Lack of public consultation on amendments:

The planning application has been advertised in accordance with government legislation by individual letters to adjacent occupiers and the display of a site notice in regard to the original submission, and residents further informed that amended plans had been received and were available for viewing on the website.

Noise and disturbance during construction:

This is somewhat inevitable for developments of this nature in residential areas and an informative is to be attached to inform applicants that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. It will also recommended that they give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

Relocation of existing structures such as garden rooms and sheds:

This has been shown on the submitted draft Landscape plan for information only as these buildings would benefit from Permitted Development Rights, and as such do not require planning approval in terms of their location within the rear garden.

Conclusion

In conclusion, the proposal to replace the existing bungalow with a two storey dwelling with rooms in the roofspace and the erection of an additional dormer bungalow on the rear garden is considered acceptable in principle in this location, and will not have significant detrimental impacts on the streetscene, highway safety, or local amenity.

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 **04, 06, 08, 10 and 18** 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 **04, 06, 08, 10, and 18** 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.

02

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

Drawing nos.

004-PPA-ZZ-00-DR-A-0401 Rev B,

004-PPA-ZZ-00-DR-A-0402 Rev B

004-PPA-ZZ-00-DR-A-0403 Rev B

004-PPA-ZZ-00-DR-A-0404 Rev C

004-PPA-ZZ-00-DR-A-0405 Rev C

004-PPA-ZZ-00-DR-A-0409 Rev C

Received 5 June 2025

Drawing no. 1759-003 Rev A - Received 18 June 2025

Drawing no. 004-PPA-ZZ-00-DR-A-0400 Rev F and 004-PPA-ZZ-00-DR-A-0407 Rev D - Received 4 August 2025.

Tree Protection Plan no. 1759-003 Rev C Received 5 August 2025

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

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

04

Prior to the commencement of the development hereby granted details of the foul, surface water and land drainage systems and all related works necessary to drain the site shall be submitted to and approved by the Local Planning Authority. The approved works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the first dwelling.

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.

05

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 that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity.

06

Prior to the commencement of works, details of the widening of the existing footway to 2m and then 1.5m along the site frontage, as shown in draft form on drawing 004-PPA-ZZ-00-DR-A-0400 Rev F, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the first dwelling. (This will require the developer to enter into a S278 agreement with the Council, the applicant should contact david.phillips@rotherham.gov.uk in this regard)

Reason

In the interests of highway safety

07

No tree or hedgerow or living stump shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area.

08

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design,

Demolition and Construction – Recommendations. This shall be positioned in accordance with details as shown on Weddles Tree Protection Plan - Drawing number 1759-003 Rev C and the details on Page 10 of the Weddles Arboricultural Impact Assessment. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

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

09

All advice given in the Outline Method Statement for Construction contained on P10- 15 of the Weddles Arboricultural Impact Assessment shall be adhered to, including but not restricted to Construction exclusion zones, no dig construction areas (that will affect the driveway and hardstanding), demolition of existing walls or hardstanding, and any utility or service runs required within root protection areas.

Reason

In the interests of the visual amenities of the area

10

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

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

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

Reason

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

11

The window on the rear elevation of the rear off shot and all rooflights on Dwelling 2 shall be set at a minimum 1.7 metres above the floor of the room in which the window/rooflight is installed. The window/rooflights shall be permanently retained in that condition thereafter.

Reason

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

12

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional windows or openings shall be inserted into the rear elevation(s) or the roof of Dwelling 2 without the prior approval of the Local Planning Authority.

Reason

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

13

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no enlargement of the dwellings, permitted under Part 1, Classes A and B and C shall be carried out to the dwellings without the prior written approval of the Local Planning Authority.

Reason

So that further alterations and extensions can be controlled by the Local Planning Authority in the interests of the amenities of the occupiers of adjoining properties.

14

In the event that during development works 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.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

15

If subsoil/topsoil is required to be imported to site for gardens and areas of soft landscaping, then these soils will need to be tested at a rate and

frequency to be agreed with the Local Planning Authority to ensure they are free from contamination.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 189 and 190 of the National Planning Policy Framework.

16

Prior to the occupation of the dwellings, details renewable energy measures including an Electric Vehicle Charging connection point, air source heat pumps and solar panels shall be submitted to and approved by the Local Planning Authority. Each dwelling shall not be occupied until the approved measures been provided, and they shall thereafter be retained.

Reason

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

17

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason

In order to protect nesting birds

18

Prior to commencement of development, details of the provision of integrated bee, bird, swift and bat bricks, as well as hedgehog holes, shall be submitted to and approved by the Local Planning Authority. The details shall be in accordance with the following (unless clear explanation is provided why this cannot be achieved):

Bee bricks:

- Bee bricks shall be installed in all buildings, positioned on south-facing walls in a sunny location, at least 1 metre above ground level, preferably near pollinator-friendly planting.

Bird, swift and bat bricks:

- An approximately equal split between bird, swift and bat bricks (or boxes where integrated bricks are not feasible) shall be provided across the development to ensure balanced habitat provision with 50% of buildings containing habitat features, in accordance with the following criteria:

- For buildings with an external height of less than 5 metres, integrated bird bricks shall be installed at a minimum height of 3 metres.
- For buildings with an external height of 5 metres or more:
 - Integrated swift bricks shall be installed at a minimum height of 5 metres, in groups of at least three, with a clear flight path in front.
 - Integrated bird bricks shall be installed at a minimum height of 3 metres.
 - Integrated bat bricks shall be installed at a minimum height of 3 metres but ideally 5-7 metres.

All bricks and/or boxes shall be installed in accordance with the approved details and before the respective dwelling is first occupied, and shall be retained and maintained thereafter.

Reason:

To enhance biodiversity by providing nesting and shelter opportunities for priority species in accordance with Policy CS20 and SP 33: Conserving and Enhancing the Natural Environment of the Rotherham Local Plan and Policy.

Informatives

01

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rotherham MBC. Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;

- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state.

02

To ensure that the biodiversity gain objective is met and the condition can be discharged successfully it is important that biodiversity net gain is considered through the planning process. The plan is the mechanism to ensure that the biodiversity gain objective is met and in particular:

- The post development biodiversity value of the developments on-site habitat is accurate based on the approved plans and drawings for the development;
- Any off-site biodiversity gains have been registered and allocated to the development and;
- Biodiversity credits, if they are necessary for the development, have been purchased.

As the development is achieving a net loss on-site currently the applicant will need to provide information as to how they will meet 10% net gain. Either through off-site habitat enhancement on land within their ownership, purchasing of units from a habitat bank or as a last resort purchasing statutory credits from Natural England.

03

Swift bricks should be installed at a height of at least 5 metres on the building, ideally beneath eaves that offer some shade. They can be positioned on any elevation, but north- or east-facing aspects are preferred to reduce the risk of overheating during hot weather. If installed on south- or west-facing elevations, care should be taken to ensure the bricks are not exposed to prolonged direct sunlight, especially during summer months.

Swift bricks should be installed in groups of at least three, with a clear flight path — ideally at least 5 metres of unobstructed space in front of the brick. Avoid placing bricks directly above windows or doors to minimise disturbance. Example specification includes the Manthroe 'GSWB' Swift brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box.

Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants

Bird bricks should be integrated into the external walls of new buildings, ideally positioned at least 3 metres above ground level to minimise disturbance and predation. They should be located away from windows and doors where possible, on north- or east-facing elevations to reduce the risk of overheating during the breeding season.

The bricks should be sited on quieter parts of the building with minimal disturbance and artificial lighting. The type of brick used should be suitable for common local species such as house sparrows or starlings. Where multiple bricks are least 0.5 metres apart and installed in areas that offer a sheltered and safe nesting environment. Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. Bat bricks should be integrated into buildings on a southerly aspect / orientation (south, south west, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants. Example specification includes Verona Build-In Woodstone Bat Box, Segovia Build-in WoodStone Bat Box and WoodStone Build-in Bat Tube.

Where integrated bricks cannot be accommodated due to construction constraints, appropriate external nest boxes may be installed in suitable locations consistent with the above guidance.

04

Drainage informatives:

Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

Developments should have floor levels set higher than the recorded flood level or a minimum of 300mm above proposed ground level.

Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

Surface Water Discharge From Brownfield Site:

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers / watercourses are to be increased.

A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 40% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Guidance on flood pathways can be found in BS EN 752.

If the development is proposing to make a new highway drainage connection to an existing highway drainage system, detailed CCTV surveys and modelling of the existing highway drainage system will be required to determine the capability to accept additional flow. Discharge will be limited to greenfield run-off rates.

05

It is recommended that the development is designed and built to Secured by Design www.securedbydesign.com Defensible Space - Each dwelling should have a front boundary to a height of 1 metre to allow for visible surveillance into and from the dwellings in question.

Boundary Treatment - All rear gardens should be secured with a min 1.8m high fence. A 1.8m lockable gate should be fitted as close the front boundary line as possible to secure the rear of the dwellings.

Surveillance - Any landscaping and front boundaries 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.

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

Security of Dwellings - In line with SBD standards, all front / rear doors and ground floor windows should comply with PAS 24:2022.

06

INF 11A Control of working practices during construction phase (Close to residential) You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2025/0426 https://rotherham.planportal.co.uk/?id=RB2025/0426
Proposal and Location	Change of use from bank (Use Class E) to House in Multiple Occupation (HMO) for up to 8 people (Use Class Sui Generis) with boundary wall/railings to front and bin/cycle store and parking area to rear at 43 High Street Swallownest Rotherham S26 4TT
Recommendation	Grant with conditions

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



Site Description & Location

This application relates to a detached building located on a corner plot fronting High Street at Swallownest. The property is a large detached building with a garden area to the rear and a low wall to the front.

The properties immediately to the north-west of the site and to the rear are residential with properties across High Street and to the south east in retail use. There is a pedestrian access to the front and rear of the site and vehicular access to the rear of the site from Queens Road.

Background

The submitted Design and Access Statement indicates that the property was originally 2 dwellings. Planning records show that an application was submitted in 1973 (RH1973/8230) to change the use from residential to a bank and office use.

The building has been in use as a bank until it closed in 2019 and has been empty since that time.

Proposal

The application seeks full planning permission for a change of use from a bank to a HMO (House in Multiple Occupation) for up to 8 persons and includes the reinstatement of the front boundary wall, railings and gates and the siting of a cycle and a bin store with off street parking for 3 cars to the rear.

The original plans have been amended following receipt of Land Registry documentation indicating that there is a Right of Way over the land at the rear of the site to access the land to the rear of the adjacent dwellings.

The amended plans leave this access clear and include a new access adjacent to this with off road parking for three vehicles.

The submitted Design and Access Statement includes the following;

- The property is in a sustainable location, accessible to everyday services, facilities and employment opportunities by foot and bicycle, and broader areas with public transport services.
- No extensions are proposed to facilitate the use change. However, it intended to refurbish the facades and fenestration, restore the brick wall, railings and gate and provide some potted planting to improve the property's appearance and the street scene.
- The proposal will not lead to an increase in vehicular movements that would be detrimental to the residential amenity of neighbours or highway safety, particularly when compared to the traffic movements the bank use would have attracted.
- The proposed HMO will accommodate 8 people, each with a single occupancy bedroom. It is not considered that this scale of residential use would significantly impact the residential amenity of neighbouring properties in terms of increased noise and disturbance.

- The applicant contends, noting the size of the bedrooms, that the communal space is sufficient to provide a good standard of accommodation for end users to enjoy.
- Having regard to the applicable space standards, the applicant contends that the proposal will provide a good standard of accommodation for end users to enjoy.

Biodiversity Net Gain (BNG)

The original application was exempt from the BNG regulations as it did not affect an area of habitat exceeding 25 square metres. However, following the amendment to the plans to move the car parking and access to an area on the garden area the application then came within the BNG requirements and a metric has since been submitted.

The submitted BNG metric demonstrates a loss of -45.56% (-0.02 units).

CIL

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.

Development Plan Allocation and Policy

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

The application site is allocated for retail purposes in the Local Plan and is located within a Prime Shopping Frontage. (For the purposes of determining this application the following policies are considered to be of relevance:

CS27 'Community Health and Safety'
 SP19 'Development Within Town, District and Local Centres'
 SP20 'Primary Shopping Frontages'
 SP26 'Sustainable Transport for Development'
 SP52 'Pollution Control'
 SP55 'Design Principles'
 SP56 'Car parking layout'

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 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.

Rotherham Adopted SPDs:

Air Quality and Emissions

Natural Environment

Trees

South Yorkshire Residential Design Guide

In addition, the Council's Guidance 'Houses in Multiple Occupation Guidance and Amenity Standards (updated September 2018)' is also relevant.

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 6 letters of representation have been received.

The issues raised are summarised below:

- There is insufficient parking in the area for existing residents
- Not enough parking for 7 cars
- This is a busy area with 16 local businesses and restricted parking
- Cannot get emergency vehicles through due to parked cars already
- The application would encroach on a right of way that exists to the rear of the site.
- Potential noise to adjacent residents

The application was re-advertised following receipt of amended plans to address the issue of the Right of Way over the land to the rear and a further letter from a previous objector has been received with an additional letter from another occupier resulting in objections from 6 different people in total. The additional comments raised can be summarised as follows:

- Major traffic problems outside the site and often blocked in with no access to properties
- Parking almost impossible due to commercial shops.

- Already approved RB2023/0344 (*4 commercial units with 4 flats above*) across from this site with inadequate consideration of traffic and parking.
- Access is required to local convenience store
- Cars parked in limited waiting bays all day forcing customers to park on double yellow lines.

Consultations

RMBC - Environmental health: Do not foresee any issues and recommend an informative regarding the mandatory licencing of HMOs.

RMBC – Transportation Infrastructure Service: Note that the applicant's agent has submitted a revised drawing that provides 3 no. car park spaces off highway, with a widened access to facilitate the additional vehicle movements. The applicant's agent has also shown the proposed cycle shelter in a more appropriate location which has a degree of being overlooked by residents of the building.

The location of the application site is in the centre of Swallownest and is therefore considered sustainable in transport terms. It is noted that there are existing waiting restrictions on High Street directly outside the property and waiting restrictions are also in place on Queens Road including a small section of time limited waiting bay and therefore, they do not wish to make an issue of the parking provision. As such, they can confirm that they have no objection to the granting of planning permission in a highway context subject to a condition regarding surfacing of the parking area.

RMBC – Ecologist: The site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. The proposals are demonstrating a loss of -45.56% (-0.02 units). In order to meet 10% net gain the development needs to provide 0.03 units. The report outlines that it is not feasible to provide these units on-site. When the applicant comes to submit their biodiversity gain plan they will need to either purchase units from an off-site habitat bank or purchase statutory credits from Natural England.

Tree Service: The revised proposals include the removal of a single Silver Birch tree, the tree is not protected and the ecology report describes it as poor. The tree appears to be in reasonable form and has no obvious defects however it is a short lived species of limited amenity value and its removal in this case is considered to be acceptable.

South Yorkshire Police, Designing Out Crime officer: supportive of the plans in principle, but would recommend that the building is refurbished to Secured by Design standards.

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:

- The principle of the change of use
- Site layout and design
- Residential amenity
- Highways and parking issues
- Trees
- Biodiversity
- Other issues

Principle of the change of use

The site has been identified for retail purposes in the adopted Local Plan and is located within a Prime Shopping Street.

Local Plan Policy SP19 'Development Within Town, District and Local Centres' establishes the overall approach to town centres. Part 1 clarifies that within the main shopping area (comprising primary and secondary shopping frontages) non-retail uses at ground floor level will only be supported where proposals comply with Policies SP20 'Primary Shopping Frontages'

Policy SP 20 'Primary Shopping Frontages' states that *"To protect and enhance the concentration of A1 shops within Primary Shopping Frontages proposals for A2 financial and professional services and A3 restaurants and cafés uses (Now Class E) at ground floor level will be supported where it can be demonstrated that they would:*

- a. not dilute the concentration of A1 shops in the Primary Shopping Frontage below 65%, or further reduce the current percentage of A1 shops where the concentration is already below 65%; and*
- b. not detract from the appearance and character of the frontage; and*
- c. retain an active frontage and where the proposal relates to a premises with an existing shop front, the shop window would continue to be used for display purposes.*

Uses other than those identified above (except for public toilets, baby changing and breast feeding facilities) will not normally be supported at ground floor level.”

The proposed use of the first floor as a HMO would comply with the requirements of the aforementioned policy however the use of the ground floor for that purpose would be contrary to the policy.

The building has been identified for retail use (Use Class E) and it has a long history of use as a bank. However, it was originally constructed as a pair of semi-detached dwellings and remained in residential use until it was converted to a bank in 1973 and still has the appearance of a detached dwelling or pair of semi-detached dwellings as it was originally constructed.

The property is located on the edge of the Prime Shopping street and is separate from the main retail centre being located on the corner of the residential area beyond the main shopping area of Swallownest where the majority of shops are centred.

Furthermore, the design of the building does not easily lend itself to conversion to a retail use. It should also be noted that a recent application has been approved (ref RB2023/0344) for the construction of a new two storey building within the Prime shopping street to form 4 Class E retail units at ground floor with 4 apartments at first floor level. This will increase the current level of retail stores in the town centre.

The proposed change of use to a residential use is contrary to the above policies, however, in this instance it is considered that the proposal can be supported in principle taking account of the location and design of the building and its previous history and would bring an empty unused building back into use preventing it from falling into disrepair.

Site Layout / Design

Local Plan policy CS28 ‘Sustainable Design’ indicates 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. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover, it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Policy SP55 ‘Design Principles’ states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

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

The NPPF at paragraph 131 states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 135 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

The external alterations proposed include the refurbishment of the facades and fenestration, the rebuilding of the front boundary wall, railings and gate.

The proposal is considered to improve the visual appearance of the building in the streetscene,

Residential Amenity

Paragraph 135(f) of the NPPF states 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.

Local Plan policy CS27 ‘Community Health and Safety’ states: “Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.” Policy SP52 ‘Pollution Control’ states: “Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity.

In terms of the potential impact on future occupiers, whilst the site is located adjacent to the main shopping centre in Swallownest, the immediate locality to the north east and north west is residential in nature and the property was originally in residential use as such the Environmental health officers have raised no concerns in this respect.

With regard to the proposed accommodation, all habitable rooms have the benefit of a window with an adequate view. The internal technical spacing standards listed in South Yorkshire Residential Design Guide, along with Nationally Described Standards is more relevant for new houses and flats rather than HMOs.

The Council's own guide for design in HMO's indicates *“...The shared nature of most HMOs creates an environment where the responsibility for cleaning and maintaining shared areas can be confused and any deficiencies will affect all those who live in the property. Occupants also have limited private space compared with living in a self-contained home. Where a HMO is poorly designed or managed, tenants can suffer from increased risks to their health or welfare. Poor hygiene, increased risk from fire and noise are typically experienced...”*

The guide goes on to indicate that minimum bedroom standards should be 6.5m² for single bedrooms and 10.5m² for double bedrooms. In this instance the HMO internal layout exceeds the minimum standard on this aspect.

The HMO guide further indicates that a living room for 2 to 4 persons should be 9sqm, increasing by 1.86sqm for each additional person. For an 8 bed household this would equate to approximately 16.44sqm of living space required. Kitchens should be a minimum of 5.5sqm per 4 person with 1.4sqm of space for each additional person which would equate to approximately 11.1sqm of kitchen space.

The proposal has a combined Kitchen/Lounge/Dining room area of 28.7 sq. metres in compliance with the above. In addition to this each bedroom has an ensuite bathroom and there would be an additional communal bathroom and utility room with a large storage area within the roof space. This is considered to comply with the relevant guidance.

With regard to any potential impact on existing, adjacent occupiers, the habitable room windows are mainly front and rear facing apart from one small window in the side elevation of the first floor that serves a dressing area in Bedroom 6 and could overlook the adjacent property at No. 45 and it is recommended that a condition is imposed requiring this to be obscure glazed and non opening below 1.7m. The other small side facing window to Bedroom 7 faces the adjacent highway and as such is not considered to create any overlooking issues.

Concerns have been received from nearby residents in terms of noise arising from the proposal, however it is not considered that the proposed use would result in any significant increase in noise and disturbance compared with the former use as a bank or the original use as a pair of dwellings.

The proposal is not considered to create any impact on the residential amenity of adjacent occupiers by way of overlooking or loss of privacy. Other concerns raised by nearby residents are discussed below.

Highways

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

Paragraph 116 of the NPPF states: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Paragraph 117 of the NPPF states: *applications for development should:*

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

Objections to the proposal have been received in relation to traffic and parking issues. The concerns raised include insufficient parking in the area for existing residents restricted parking for residents and nearby business and difficulties for emergency vehicles due to parked cars blocking the highway.

Highways officers have assessed the proposals and consider that the location of the site, being within the centre of Swallownest is in a sustainable location and the proposal includes three off road parking spaces and provision for secure cycle parking.

There are existing waiting restrictions on High Street directly outside the property and waiting restrictions are also in place on Queens Road including a small section of time limited waiting bays.

As such the highways officers consider that the proposal will not have an adverse impact in terms of highway and parking issues.

Trees

The NPPF at paragraph 136 states recognises the important contribution that trees make to the character and quality of urban areas.

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

Policy SP32 'Green Infrastructure and Landscape' states: *"The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development..."*

Supplementary Planning Document SPD 14 Trees requires trees to be assessed for their suitability for retention.

There is one large tree within the rear garden, the original proposal retained this tree however the subsequent alterations to create the required parking area will result in the removal of the tree.

The tree is not a protected tree and the submitted ecology report indicates that the tree is in poor condition. The Tree officer has assessed the tree and considers that whilst the birch appears to have reasonable form and vigour and has no obvious defects. Nevertheless, it is a short-lived species of limited individual amenity value, and its removal in this case is considered acceptable.

Biodiversity

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The applicant has submitted a biodiversity net gain assessment [Midnorth, 2025] and a biodiversity net gain metric.

The application will be subject to a general biodiversity gain condition to secure the biodiversity gain objection. This condition is a pre-commencement condition; once planning permission has been submitted and approved a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of development. A finalised biodiversity net gain metric must also be submitted alongside this.

The proposals are resulting in a loss of -45.56% (-0.02 units). In order to meet 10% net gain the development needs to provide 0.03 units. The report outlines that it is not feasible to provide these units on-site. When the applicant comes to submit their biodiversity gain plan they will need to either purchase units from an off-site habitat bank or purchase statutory credits from Natural England.

In addition to the above the site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in line with the National Planning Policy Framework Paragraph 187 (d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design.

Conditions to address this are recommended.

Other issues

Other issues raised by objectors relate to the Right of Way that exists over the rear of the site. Land Registry documents have been provided that support this and the applicant has amended the layout of the access and parking at the rear to leave this right of way open.

Conclusion

Having regard to the above it is considered that whilst the site has been identified for retail use and is within a Prime Shopping Street for the reasons outlines above the proposed change to a residential use as a HMO for up to 8 people is acceptable in this location.

Conditions

01

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

Reason

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

02

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

Drawing no. 020A-EE, 020B-EE, 020C-EE, 020D-EE, 002-GA, 000-EP
Received 27 March 2025

Site plan Rev D received 22 May 2025

Reason

To define the permission and for the avoidance of doubt

03

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.

04

The window on the first floor side elevation of the property facing 45 High Street shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

05

Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

Reason

In order to secure biodiversity enhancements on site.

Informatives

01

Biodiversity Net Gain

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that **development may not begin** unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rotherham MBC. Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat

(g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.

(h) any additional information requirements stipulated by the secretary of state.

02

The Biodiversity Enhancements should include (where appropriate)

- 1 bird brick integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The brick can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.
- 6 swift bricks integrated into the building on any elevation but ideally under shade-casting eaves. They should be installed in groups of three, at a height above 5m and preferably with a 5m clearance between the host building and other buildings or obstructions. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place. Example specification includes the Manthorpe 'GSWB' Swift brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box.
- 1 bat bricks should be integrated into buildings on a southerly aspect / orientation (south, south west, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants. Example specification includes Verona Build-In Woodstone Bat Box, Segovia Build-in WoodStone Bat Box and WoodStone Build-in Bat Tube
- Hedgehog holes between any fencing, railings, wall and gates to ensure the development is permeable to hedgehogs. These can be created by 13cmX13cm holes at ground level within fences or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. To ensure holes are kept open 'Hedgehog Highway' signage should be provided and secured above the holes.

03

HMO Licensing

It is advised that the applicant contacts the Local Housing Authority for details of HMO licensing requirements. Contact details of the HMO Licensing department are as follows:

Housing Licensing,
Community Protection Unit
Regeneration & Environment Services

Riverside House
Main Street
Rotherham,
S60 1AE
Tel: 01709 823118
Email: landlordlicensing@rotherham.gov.uk

04

We recommend that the building is refurbished to Secured by Design standards.

www.securedbydesign.com

As the building must comply with approved document Q this, would require no further financial investment but would add significant value to the development.

Lighting

Entrances to the building should be well lit with a dusk to dawn sensor light incorporating an LED light source.

All street lighting should comply with BS5489.

There should be no dark areas where someone could hide.

Security of Dwellings

All entrances into the building, individual flat door sets and all ground floor windows should be to the required standard for Secured by Design of Pas 24:2022.

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	RB2025/0525
Enforcement Number	EN2021/0528
Proposal and Location	Erection of 3 storey building comprising of 9 No. Residential Flats (Retrospective), Land to rear of 19 Shelley Road, Herringthorpe
Recommendation	Grant subject to conditions

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



Otherham MBC Licence No 100019587 A-Z Maps ©Geographers' A-Z Map Co Ltd

Program Design & Coding by Phil Reynolds

Site Description & Location

The application site forms a parcel of triangular shaped area of land that is accessed from a driveway from Shelley Road. The site has an approximate area of 1,050 square metres including the access into the site. There is one vehicular and pedestrian access into the site from Shelley Road.

There is a longstanding block of three storey flats to the east of the site, built in the 1950s, which face east-west with the frontage onto Herringthorpe Valley Road and onto the garage court to its rear elevation.

The majority of the surrounding dwellings follow a similar type, style and age, mainly comprising of two storey semi detached properties that are either Council properties, or are formerly Council owned.

Background

The site history can be summarised below.

An outline permission granted in December 2005 (RB2005/1988) for a 3 storey block comprising 9 No flats including details of the siting, design, external appearance and means of access (Re-submission of RB2005/1610).

In 2008 a Reserved Matters application to determine the landscaping scheme was submitted under application RB2008/1904. Several requests for additional information were made though the information was not provided and the application was never determined and was finally disposed of in March 2011.

Looking at Streetview images it appears that the shell of the building was under construction during 2011 and completed with roof though no windows/doors in 2012. The building remained in this condition for several years and there is no record of any complaints from local residents about the construction of this unauthorised building.

Following a contact from another Council Service in December 2021 regarding the potential occupation of the building, the Planning Enforcement team investigated the site and discovered that the building itself did not benefit from any planning permission (as the reserved matters application had not been determined).

As a result, a full planning application (RB2023/0164) was eventually submitted, though this was refused in November 2024. The reasons for refusal were as follows:

01

The first and second floor habitable windows in the front elevation of the building facing the gardens of 19 and 21 Shelley Road, result in an unacceptable level of overlooking to private rear garden areas and windows within rear elevations. Due to the design and position and level of the windows, the overlooking level is exaggerated and is materially harmful to the amenities of neighbouring properties contrary to Policy SP55 and the NPPF.

02

The drainage detail submitted on the site plan is unacceptable. The submitted drawing appears to show a public sewer diversion of public sewer crossing the site and there is no evidence that a sewer diversion has gained approval

from Yorkshire Water under the provisions of section 185 Water Industry Act 1991. The development is therefore contrary to Policy SP69 'Utilities Infrastructure'.

Following the refusal the plans have been amended to remove the southernmost first and second floor front Juliet balconies. These are now proposed to be replaced by obscured glazed high level windows (top opening) in a revised application. Some internal alterations are also proposed.

CIL

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

Proposal

The application is for retrospective approval for the construction of a three storey residential building that is currently completed and contain 9no. flats.

The flats have an identical layout on the first and second floors. At ground floor level the southernmost flat has an open outlook on its western elevation. The front entrance to the complex is on the eastern elevation facing the garages and has a stairwell. Two of the flats at the northern and southern side of the building have both main bedroom outlooks facing eastwards, overlooking the garage court area to the rear. The existing living areas are on the western elevation and have balustrade balconies facing the car parking area at the front.

The application is seeking full planning permission for 9no. flats which incorporate 3no. flats on the ground floor, first and second floor. In the current application the southernmost dwellings have been amended to one bed flats at first and second floors, though these works have not yet been carried out.

An area of enclosed private amenity area is included on the southern section of the site as part of the current application.

The submitted plans indicate that 8 parking spaces would be provided, though currently there is a gravelled area to the front (west) of the property which is used as the car parking area for the building.

The external materials of the building are predominantly brick, with a tiled roof, black metal balustrades and white UPVC windows.

Development Plan Allocation and Policy

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

The site is allocated for Residential purposes in the Local Plan, which indicates that residential is among the acceptable use types. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'

SP11 'Development in Residential Areas'
SP12 'Development in Residential Gardens'
SP26 'Sustainable Transport for Development'
SP52 'Pollution Control'
SP55 'Design Principles'

Other Material Considerations

The NPPF (as revised) 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.

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. A total of 11 letter of representation have been received. The issues raised by residents are summarised below:

- Substantial increase in overlooking has occurred. The height and scale of the development overlooks surrounding garden areas and bedrooms.
- The levels of overlooking is exacerbated by the balustrade type balcony to the front elevations which is regularly used.
- The overlooking comes from all of the windows, not just the southernmost 'Juliet balconies'
- Residents of the surrounding houses now do not feel comfortable using their rear garden areas.

- Noise levels have substantially increased since the flats were occupied.
- High powered floodlights have been installed which cause disturbance to surrounding residents.
- Significant increase in traffic and congestion.
- The driveway is narrow and the sound of cars going past is amplified by the gravel surfacing.
- Disturbance from delivery drivers.
- Concern that the shared driveway is too narrow for emergency or large Council vehicles. The access does not meet Approved Document B of Building Regulations, Manual for Streets or policy SP26.
- Local infrastructure has been over-burdened. This leads to low water pressure. Sometimes there is sewage in garden areas.
- Similarly extra pressure is placed on schools and doctors/GP services.
- Yorkshire Water previously objected to the earlier application. Concern that drainage issues have not been adequately considered.
- Rubbish has been allowed to gather between the boundary of the site and adjacent properties.
- There has been an increase in litter and vermin.
- Light pollution occurring from the windows of the properties, including disturbance from security lighting.
- Decrease in wildlife activity.
- Concern about the wider implications for seeking retrospective permission through the planning system.
- The behaviour of some residents has included the burning of rubbish which leads to the increase in particulate pollution.

Consultations

Transportation Infrastructure Service – No objections subject to conditions.

Environmental Health – No objections

Pollution Control – No objections

Drainage Team – No objections

Yorkshire Water – initial objection, but this can now be addressed through Building Regulations

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.

Paragraph 11 of the NPPF states, in part, that: *“Plans and decisions should apply a presumption in favour of sustainable development.”* It goes on to state that *“For decision-taking this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” (footnotes omitted).

The above paragraph is supported by adopted Policy CS33 ‘Presumption in Favour of Sustainable Development’.

The main considerations in the determination of the application are:

- Principle
- Scale, Design and General Amenity and whether the revisions are sufficient to overcome the previous overlooking concerns
- Drainage
- Highways
- Other considerations

Principle

The site is allocated for Residential purposes within the Council’s adopted Local Plan.

Policy SP11 ‘Development in Residential Areas’ states areas identified for residential shall be primarily retained for residential uses and all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

Historically the original outline application was approved in 2005 under RB2005/1988. Accordingly, given the residential allocation of the site, a residential use of the site would be compatible with the land allocation of the site and the adjoining residential uses; as such the principle of development is acceptable.

Site Layout / Design and general amenity

Local Plan Policy CS28 'Sustainable Design' indicates 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. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover, it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Policy SP55 'Design Principles' states that development is required to be of high quality, create decent living and working environments and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

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

Paragraph 135(f) of the NPPF states 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.

Local Plan policy CS27 'Community Health and Safety' states: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..."* 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."*

SP12 'Development on Residential Gardens' states that *Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:*

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

In this case the site is not a residential garden and is a former garage site. However, it does have a number of characteristics that would be encountered on a typical back land or residential garden site, being restricted in area, away from the street frontage and in close proximity to the rear garden areas of other residential properties. For this reason the contents of the policy are considered relevant in this instance.

All of the objections received raise concerns with overlooking and highlight that the building is a full three stories in height which further increases the dominance to the surroundings, and results in a higher degree of overlooking than would be expected for a two storey building.

In terms of the design of the building, this is a relatively small site which lies at a lower level than the surrounding properties on Shelley Road. The block of apartments is of a modern design with regular fenestration and of brick construction. The block is visible from Shelley Road but is largely screened from Herringthorpe Valley Road by the adjacent block of flats. It is noted that the ground levels of this part of the site slope downwards which does assist in reducing the relative height of the three storey scale building. It is not considered that the siting and appearance of the building would be out of keeping with the character of the area or materially detrimental to visual amenity.

The internal technical spacing standards listed in the Nationally Described Standards, indicate that new properties should have internal spacing standards of 61-70sqm (National Space Standards). In this instance the internal layouts of the flats each have an internal floorspace of approximately 70sqm and meet minimum space standards.

On the previous application RB2023/0164 there were significant concerns that windows are first and second floor resulted in overlooking of neighbouring properties which is exacerbated by those windows being large patio style windows with Juliet balconies.

The revised plans submitted now indicates that the most restricted of these outlooks, in particular the first and second floor bedrooms and kitchen to the southernmost flats have now been removed and replaced by a high level window with obscure glazing at its base. The Juliet balconies to these properties have also been removed. This requires an internal configuration of the flats to reduce these properties to 1no. bedroom. The main elevation will now face east.

Subject to these changes, the concerns regarding significant overlooking of the properties and private rear garden areas on Shelley Road has been reduced and the remaining windows would achieve a minimum separation of 10 metres to the boundaries of the site where there are private rear garden areas.

The application site is at a lower level than Shelley Road and therefore the views from ground floor windows to neighbouring properties garden areas and rear elevation is restricted by existing fencing panels. As indicated on the previous application, this is not at a level which is considered to be severe enough to refuse on lack of outlook to ground floor windows.

The windows on the eastern elevation of the building do not achieve a full 10m private outlook to the boundary of the site. However, there is a large garage block between the neighbouring apartment building and the

application site. Given the separation distances involved in this direction, it is not considered that overlooking to these neighbouring properties would be significant.

The South Yorkshire Residential Design Guide sets out guidance on appropriate spacing standards for dwellings, as well as guidance on amenity provision. The SYRDG requires minimum requirements of 60sqm for new properties including flats. In this case a triangular area of enclosed private amenity has been provided in the southern area of the site which is approximately 120sqm in size. Whilst this is severely restricted in terms of providing usable amenity space within the site, it is noted that there are substantial areas of green spaces approximately 100m to the east of the site on the eastern side of Herringthorpe Valley Road. The landscaping of the site is proposed to undergo some improvement compared to the current situation and is considered to be acceptable in this instance given the presence of other green space in the locality.

A number of the objectors have also raised concerns with the behaviour and attitude of the developer and residents and the higher levels of disruption caused since the flats were occupied. Whilst these are noted, these are not material planning issues that can be given any sufficient weight in the planning decision making process.

Overall, it is considered that the alterations to the development would reduce levels of overlooking to existing surrounding properties. A condition is appended that requires these works to be carried out within 3 months of the date of the permission. From a design and layout perspective, the proposal is now considered to be in accordance with the relevant design paragraphs of the NPPF (131 and 135), Local Plan policies CS28 'Sustainable Design', SP12 'Development in Residential Gardens' and SP55 'Design Principles'.

Drainage and Yorkshire Water

SP69 'Utilities Infrastructure' indicates that *"...the Council will seek to ensure the efficient provision of gas, water, drainage, electricity and telecommunication services which avoid or, where this is not possible, minimise any adverse landscape and environmental impacts...the Council, in consultation with utility companies, will require that development proposals take into account any existing and new service infrastructure requirements, together with associated apparatus, installations and operational land and the need for access for maintenance and repair purposes..."*

Yorkshire Water note that the building has been sited over the public sewerage system located within the site. This could jeopardise Yorkshire Water's ability to maintain the public sewerage network. Yorkshire Water initially objected to the development layout as shown. However, subject to a private build over agreement they have now withdrawn their earlier objection. An informative to this effect has been appended. However, this would be outside of the planning process and this element would not be enforceable by the planning department.

The development is therefore overcomes the previous reason for refusal and now conforms to Policy SP69 'Utilities Infrastructure'.

Highways

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel. Policy CS14 is supported by paragraphs 108 and 110 of the NPPF.

Policy SP 56 'Car Parking Layout' indicates that layouts must be designed to:

- a. reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street;*
- b. discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway; and*
- c. ensure in-curtilage / on plot parking does not result in streets dominated by parking platforms to the front of the property or large expanses of garage doors fronting the street.*

The Transportation Unit have not raised any objections to the granting of planning permission in a highways context subject to conditions. The application includes proposals to mark out the parking spaces within the existing parking area. The level of parking is appropriate and meets the Councils Standards.

Biodiversity Net Gain and Other Issues

In terms of Biodiversity Net Gain, the application is retrospective and is therefore exempt from the statutory requirement to provide +10%. However, the development still needs to demonstrate no net loss, in accordance with Policy SP33 'Conserving and Enhancing the natural Environment'. The existing site contains the building as erected and is fully hard surfaced with minimal landscaping or biodiversity present on it. This has been the case since before January 2020. The retrospective application presented does not increase the hardstanding or footprint of the building, and the additional landscaping proposed in the southern area of the site would ensure no net loss of biodiversity within the site.

The Pollution Control Officer has examined the Phase 1 report submitted in support of the development. The report has highlighted the fact the development has already been completed, and the site did not previously have any previous uses that may have led to any contamination issues. The Pollution Control Officer concurs with this view and does not consider any further assessment of the contamination risks or conditions are required for the development.

Conclusion

Having regard to the above the site is allocated for residential purposes in the Local Plan and the principle of residential is acceptable. The site would be in close proximity to local services and the site is in a sustainable location.

The revised first and second floor windows in the western elevation of the building which faces south-westwards, now proposed to be obscure glazed, will on balance reduce the currently unacceptable level of overlooking to neighbouring private rear garden areas on Shelly Road. The internal re-configuration with revised layout and floorplan will now overcome the harmful level of overlooking.

Yorkshire Water have withdrawn their initial objection, subject to the applicant entering into to a private build over agreement. However, this would be outside of the planning process.

For the reasons set out in this report the application is recommended for approval, subject to the amendments being carried out within 3 months of the date of approval.

Conditions

01

The changes shown to the front windows and removal of balconies of the first and second floors of the southernmost flats and the internal reconfiguration of these flats as shown on the approved plans (ref Location Plan, Site plan, Block plan JBA 4401.102, Elevations and floorplans JBA 4401.102) received on 07.04.25 shall be fully completed within 3 months of the date of this permission.

Reason

In order to minimise the impact on residential amenity of neighbouring properties and to define the permission.

02

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing nos. elevations (ref Elevations and floorplans JBA 4401.102). The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

03

Within 3 months of the date of this permission, the approved Landscape scheme (ref Landscape plan JBA 4401.102) shall be implemented in accordance with RMBC Landscape Design Guide (April 2014) 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 Local Plan Policies.

04

Within 3 months of the date of this permission, the marking out/surfacing of the approved parking plan (ref Landscape plan JBA 4401.102) shall be carried out in accordance with these details. The parking area shall be retained in perpetuity.

Reason

In the interest of highway safety and in accordance with Local Plan Policies.

05

Within 3 months of the date of this permission, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable modes of travel.

Informatives

The applicant is reminded to complete the 'Build over Agreement' with Yorkshire Water.

POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any formal pre application discussions with the Local Planning Authority. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.