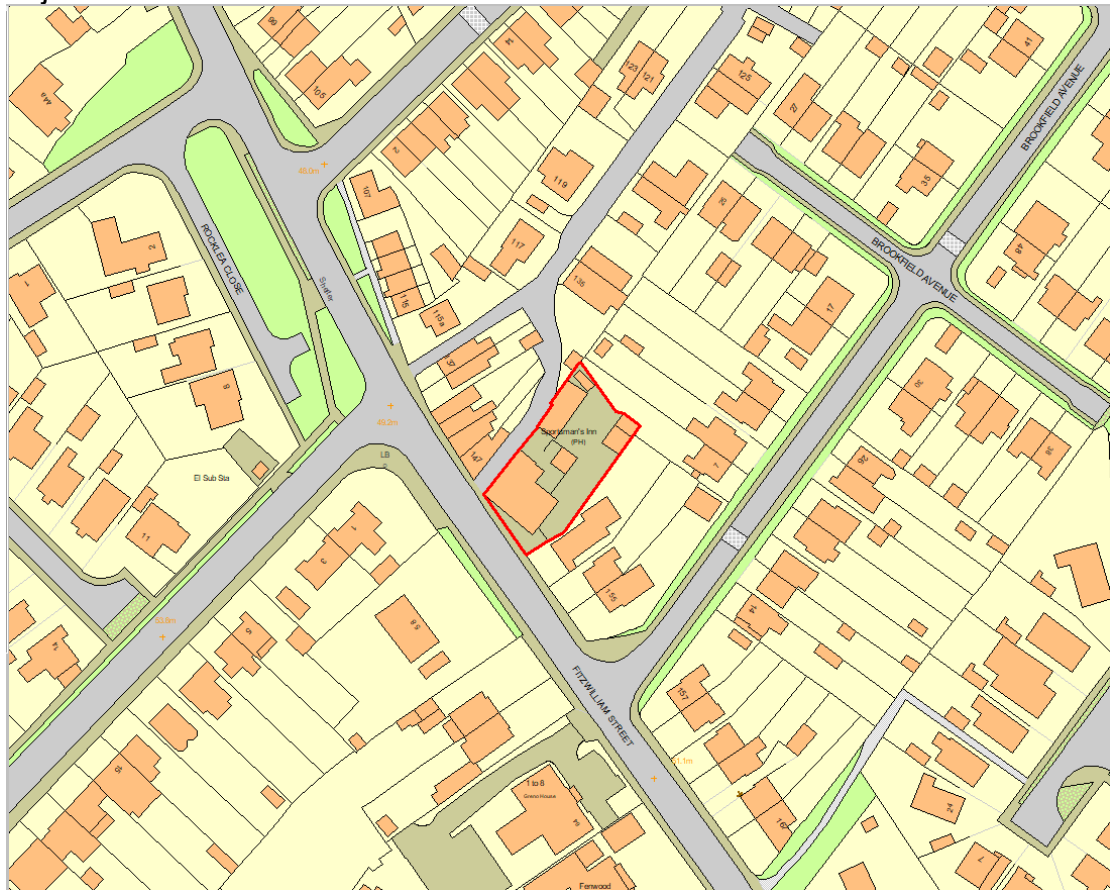


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 6th AUGUST 2026**

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	RB2026/0529 https://rotherham.planportal.co.uk/?id=RB2026/0529
Proposal and Location	Change of use of ground floor of existing public house to a convenience retail store (Use Class E), including installation of new shop frontage and the provision of bollards to the pavement at the front of the building at 149 Fitzwilliam Street, Swinton
Recommendation	Grant Conditionally

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



Site Description & Location

The application site is located on the eastern side of Fitzwilliam Street to the south of Swinton Town Centre and was previously a public house known as The Sportsman.

The application site comprises of a detached building with a mock Tudor external appearance. The general character of the surroundings comprises of established residential properties, though immediately to the west of the site is a local shop and a hairdressers.

Background

The site has been predominantly used as a public house. Since its operations ceased, a number of planning applications have been submitted:

RB2020/1476 – Conversion and change of use of existing PH into 2No. units comprising of 1No. convenience store and 1No. hot food takeaway – WITHDRAWN

RB2021/1075 – Change of use of existing PH to convenience store (use class E) and associated parking – REFUSED

RB2021/1076 – Display of illuminated 1 No. fascia sign and 1 No. projecting sign – GRANTED CONDITIONALLY

RB2022/0005 – Conversion to 7 apartments with two storey side and rear extension - REFUSED

Proposal

The application is for the change of use of the former public house to 1No. retail unit. Apart from an alteration of fenestration at the ground floor front elevation to provide a shop front appearance, no other external parts of the building are proposed to be altered. To prevent parking on the pavement and potential criminal activity from targeting the proposed retail unit, bollards are proposed at the front of the building.

The rear of the site is also proposed to be altered with a proposed garden to the rear replacing parts of the existing tarmac car park and detached utility room.

No opening hours have been put forward by the applicant in their submission.

A sequential test and viability statement submitted as part of a previous proposal for a similar change of use (ref: RB2021/1075) was resubmitted with this application, and an additional sequential test and viability statement from 2026 was also submitted:

Sequential Test

The 2026 sequential test included an updated sequential search with details of retail units in nearby centres of Swinton and Mexborough, and concludes that *“a suitable, available and viable town-centre or edge-of-centre site capable of accommodating the proposed local convenience store with the*

required ancillary storage/staff space, weekly servicing and retained owner/residential accommodation” has not been identified.

Furthermore, the submitted 2026 sequential test furthers to confirm that similar to the previous proposal for a retail unit at the same address, *“The proposal is small in scale and below the local 500 sq m impact-assessment threshold. A retail impact assessment is therefore not required. The relevant policy matter is the sequential test”*, and the proposal would satisfy the sequential approach as required by Local Plan Policy CS12 and the NPPF.

Viability and Planning Statement

The submitted 2026 viability and planning statement started with an explanation that since the public house has ceased trading in 2020, the building has been vacant since. The statement can be summarised below:

- The proposal accords with Policy SP11. It would bring a long-vacant building back into productive use as a small convenience store serving the day-to-day needs of local residents, while retaining the upper-floor residential accommodation and providing an active use in a sustainable, accessible location.
- The evidence indicates that continued use as a public house is no longer viable. Changing drinking habits, the decline of small wet-led pubs, and the impacts of the Covid-19 pandemic have affected the sector, while the property's vacancy since 2020 suggests insufficient market demand for its continued operation as a pub.
- The premises did not support community groups, sports teams or organised activities and lacks characteristics that would attract destination customers. In addition, the area is already well served by a range of licensed premises offering broader facilities and amenities, reducing the need for the former Sportsman Inn to continue in public house use.
- The building is constrained by its location and lacks ancillary facilities such as function rooms, meeting spaces, outdoor areas or sports facilities, limiting opportunities to diversify and compete with other venues. Conversely, its accessible residential location makes it well suited to a convenience retail use serving local needs.
- The proposal would complement existing local services by improving access to everyday goods and services, including food, household items and parcel collection facilities. Given the extended vacancy period, deterioration of the property, refurbishment costs and absence of interest in reopening the premises as a pub, the evidence demonstrates that the former public house use is no longer viable.
- The proposal would also comply with Policy SP63.

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):

Core Strategy

CS12 'Managing change in Rotherham's retail and service'

CS28 'Sustainable Design'

Sites and Policies Document

SP11 'Development in Residential Areas'

SP52 'Pollution Control'

SP55 'Design Principles'

SP59 'Shop Front Design'

SP63 'Loss of Public Houses'

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.

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. A total of 47 letters of objection has been received along with a petition containing 154 signatures objecting to the proposal.

Details of objections can be summarised as follows:

- The proposed development would increase parking demand, delivery traffic as well as vehicle and pedestrian movement which could create safety risks to pedestrians including children and the elderly and put pressure on local infrastructure
- It is located at a junction and on a busy road causing highway safety issues
- There is a lack of parking space

- Adequate off-street parking or safe loading arrangements have not been demonstrated
- Proposal is not in keeping with the existing residential setting
- There is no need for another shop selling the same products as the shop next door
- It would affect the business of the shop next door
- Overdevelopment
- Cars parked in front of the site would obstruct the bus stop and cause congestion
- A bat survey should be undertaken prior to works commence
- Suspicion that the shop would instead become a place for criminal activity
- The building should instead be converted into residential use
- The proposed development would affect visibility for residents using the access to the west of the site
- It would increase the risks of anti-social behaviour, littering and other crime as well as safeguarding risks for children

A letter of support has also been received.

The applicant as well as three members of public have requested the right to speak at Planning Board, at the time of writing the report.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

South Yorkshire Digital Infrastructure Team: No objection subject to a pre-commencement condition requiring gigabit-capable full-fibre broadband to be provided.

Appraisal

The main considerations of the application are as follows:

- The principle of the Change of Use
- Highway safety issues
- Impact on the surroundings
- Character and appearance
- Other issues

Principle of the Change of Use

The assessment can be broken down into three main areas:

- The loss of public house;
- The sequential test requirements for a retail unit; and
- The compatibility of the use within a residential allocation.

These aspects will be considered individually in detail below.

Loss of Public House

The proposal will result in the loss of a public house. Local Plan Policy SP63 'Loss of Public Houses' should be complied with in order for a proposal involving a loss of a public house to be considered acceptable.

Policy SP63 states:

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

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

The applicant has provided a detailed statement regarding this which indicates the following:

Criterion A

"The premises have been vacant for approximately six years, the building is deteriorating, the cost of reopening as a pub is estimated at around £175,000, and there is no evidence of a viable operator willing to take the premises on as a public house. The former pub also lacks the ancillary facilities and site flexibility that would make it attractive in the current market."

Criterion B

"The applicant advises that attempts to secure interest in continuation of the public house use have been unsuccessful. Given the absence of offers, the

level of refurbishment expenditure and the limited facilities available, a charitable or social enterprise takeover is not considered realistic or financially viable.”

Criterion C

“Evidence includes a Churchills marketing agreement dated July 2022 and sales particulars advertising the property for sale at offers in the region of £250,000 freehold. The applicant confirms that marketing was undertaken online and through estate agents, generating five enquiries, three viewings and no offers for a continuing public house use. This supports the conclusion that the market has been tested without viable public house interest.”

Criterion D

“There are alternative licensed premises in the wider local area providing pub, bar and club facilities. Some local alternatives provide broader facilities such as beer gardens, outdoor decking, karaoke, quiz/bingo, sports television or events. In contrast, the Sportsman Inn has no function room, no beer garden, no club/team base and no distinctive pub offer. The loss of this particular public house would therefore not leave the local community without access to licensed premises.”

The Council had previously concluded that a similar proposal for the change of use to a convenience store (ref: RB2021/1075) would accord with Policy SP63. Further supporting evidence and statement submitted by the applicant with this proposal further confirms that five years on, no viable operator is willing to take the premises on as a public house. Whilst the permanent loss of the pub is regrettable, it is considered that the proposal satisfies policy SP63.

Retail Use

The site is in an out of centre location approximately 650 metres away from the designated Swinton District Centre. As a main town centre use any application is required to satisfy the sequential test element of Policy CS12 ‘Managing Change in Rotherham’s Retail and Service Centres’. The application would need to demonstrate that sites within and then on the edge of the Swinton District Centre are not available, suitable, or viable for the proposed development.

The supporting information supplied within the 2026 sequential test is considered to satisfactorily demonstrate that there are no suitable or available sites that are more sequentially preferable than the location proposed. Accordingly, this element of the proposal is considered to comply with Policy CS12 ‘Managing Change in Rotherham’s Retail and Service Centres’ from a retail perspective.

Residential Allocation

Accordingly, any application will need to be assessed against the requirements of Policy SP11 'Development in Residential Areas'. The policy states:

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

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

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

The principle of the use of the site as a convenience store had previously been accepted in RB2021/1075. Explanation paragraph 4.44 of Policy SP11 states that convenience store serving the local area only could be considered ancillary and complementary to the main residential use of the area. The proposed size of the premises is also considered acceptable which would not be larger than is required as a convenience store. There are therefore no concerns with regards to criteria a and b.

Due to the location of the site close to residential properties, it is considered that criteria d would also be satisfied as it will provide amenities within walking distance. However, criteria c will require further consideration, particularly in respect of such a proposal on the amenity of local residents.

Overall, it is considered that the principle of the change of use has been justified and there are no reasons for refusal on the principle of development.

Highway safety

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, following mitigation, would be severe, taking into account all reasonable future scenarios."*

It should be noted that the previous proposal to convert the site into a convenience store (ref: RB2021/1075) was refused on the following highway grounds:

“The Council considers that the proposal would have an unacceptable impact on highway safety by virtue of the access lane being incapable of accommodating two-way traffic flows and insufficient car park inter-visibility between pedestrians walking to the shop and cars entering the car park. The result of these matters would be to further increase parking demand within Fitzwilliam Street. It is considered that the proposal would therefore be materially harmful to highway safety and contrary to section 109 of the National Planning Policy Framework.”

In the refused application, the highways officer raised concerns over the substandard width of the access to proposed customer car park, which was proposed to the rear and accessed via the narrow driveway to the side of building. There were concerns at time of the 2021 application that the narrow width could cause vehicles to conduct reversing manoeuvres or unusual stopping manoeuvres on the classified highway which would result in an unacceptable impact on highway safety.

This proposal has wholly removed the customer car park, and the proposed car parking facilities shown to the rear are now not intended to be used by customers, but by occupants of the first floor residential accommodation and staff only, which will be secured via condition. This will result in a reduction in intensity when compared to the previous use of the site as a public house. A turning facility has also been provided at the rear courtyard to allow vehicles to enter and exit the site in a forward gear.

The installation of bollards along the front boundary would also restrict the potential for vehicles to park fully on the footway reducing the potential for vehicle / pedestrian conflict. No objection has been raised by the Transportation Unit subject to conditions requiring the driveway to incorporate appropriate drainage measures, the turning area to be kept clear for vehicle manoeuvring, gates to not open towards the highway, a scheme for the bollards to be submitted, and the area to be used only by occupants of the first floor accommodation and staff.

The applicant's agent has confirmed that the proposed driveway would utilise the existing tarmac hardstanding and would not be repaved, and the existing tarmac driveway was constructed in a way that would direct water away to drainage on site. The proposed soft landscaped garden to the rear would also further assist with drainage which is considered acceptable. However, the drainage condition will be imposed in the case that any parts of the driveway require repaving.

It is recognised that a vast majority of objections raised relate to highway safety concerns. The convenience store is proposed to serve local residents and visitors to convenience stores do not tend to spend an extended period of time in the store which is unlikely to cause a significant impact to road safety or traffic issues, similar to the adjacent store on 147 Fitzwilliam Street although on a larger floor area.

As no objections were raised by the Council's Transportation Unit regarding any highway safety or traffic issues, it is considered that any highway impacts caused by the proposed retail unit would be of an acceptable level.

The Council does not foresee any unacceptable highways impacts. However, should car parking issues arise in the future, these issues can be controlled through Traffic Regulation Orders. This is a highway-related matter which will be dealt with by the Transportation Unit in accordance with the provisions of relevant non-planning-related legislation.

A condition will also be imposed to require the gates to the access drive to the east of the site to not open towards the adopted highway in the interests of highway safety.

In light of the above, it is considered that subject to conditions the development would not result in unacceptable impact on highway safety and the cumulative impacts on the road network would not be severe. As such there is no justifiable reason to refuse the application on highway grounds as set out in paragraph 116 of the NPPF.

Impact on surroundings and residential amenity

As indicated above the site is within an area allocated for residential use in the Local Plan and is surrounded by residential properties on all sides. Policy SP11 'Development in Residential Areas' states:

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

c) will not have an unacceptable impact on the residential amenity of the area"

In terms of the criterion outlined above, it is considered that the use would be ancillary and complementary to the residential nature and function of the area and is no larger than is required to meet the needs of local residents. This has also been accepted in the previously refused application RB2021/1075.

However, it is considered that in respect of the above criterion, the proposed use will have to be assessed against the requirements of Local Plan Policy SP52 'Pollution Control' which states:

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

No information has been provided as to the proposed opening and delivery hours. The proposed use could potentially be open at unsociable hours and

as it is located immediately adjacent to residential properties, there may be an increase in general comings and goings of patrons and car parking in front of the premises. These could result in adverse impact on the amenity of neighbouring residents particularly during late evening and early mornings.

The Council's Environmental Health officer has recommended a condition restricting opening hours to between 07:00 and 23:00 Mondays to Sundays, and deliveries to only take place between 08:00 and 21:00 Mondays to Saturdays, and between 09:00 and 21:00 on Sundays. These will be secured via condition.

As the site was previously used as a public house which would have opened until late evenings, the opening and delivery hours recommended by Environmental Health are acceptable for the proposed retail unit and would not result in unacceptable harm to the amenity of neighbouring residents that could form a reason for refusal.

A condition will also be imposed to restrict use of the unit for retail (Use Class E(a)) only to prevent the premises from being changed into other Class E uses which could result in additional noise impacts to neighbouring residents.

The Environmental Health officer also recognises that there may be a chance that fixed plants such as air conditioning, extraction units and refrigeration compressor units would be installed. A condition will also be imposed to ensure no unacceptable levels of noise would be caused by those fixed plants. External units such as air source heat pumps require full planning permission.

Character and appearance

Policy CS28 'Sustainable Design' requires development to "*respect and enhance the distinctive features of Rotherham*". SP55 'Design Principles' further states:

"Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

- c. ...the use of appropriate materials and landscaping;*
- d. proposals reinforce and complement local distinctiveness and create a positive sense of place..."*

Regarding shop front design, Policy SP59 states:

"The Council to seek the highest standards in the control of shop frontage by requiring new or replacement shop fronts to be designed so that:

- a) they respect the character of the whole building and the overall character of the street scene;*
- b) they respect the period and style of the building in terms of proportion and quality of materials and relate well to neighbouring properties;*

- c) *the use of transparent glazing is maximised on all windows and doors...*
- d) *security precautions give protection against burglary and vandalism whilst respecting amenity and public safety;*
- e) *where shutters are required, their design and location do not obstruct any architectural features on the building or have an adverse environmental impact, and any external shutters are perforated and painted within the shutter box sited behind the fascia;*
- f) *any canopies should be incorporated within the overall design;*
- g) *door recesses should be of an appropriate depth taking account of the building's character and the need to provide adequate access."*

The only changes proposed for the external elevations of the building is the replacement of the existing entrance door and windows at the centre of the ground floor front elevation to a shop front appearance with aluminium glazed doors and windows.

This proposed alteration would not result in a significant change in the external appearance to the mock Tudor appearance and would remain in keeping with the character of the surrounding area, in accordance with the above policies. The proposed signage locations are also considered acceptable in principle, and any new signage will be subject to a separate application for Advertisement Consent.

The proposed replacement of other windows with those matching the existing ones are also considered acceptable.

No roller shutters are proposed as part of this application. There is no permitted development right for the installation of external roller shutters and any future proposals to install external roller shutters would therefore require additional full planning permission.

The changes hereby proposed are considered to be compliant with the local plan policies referred to above and raises no design issues.

Other issues

A pre-commencement condition has been recommended by the South Yorkshire Digital Infrastructure Team requiring gigabit-capable full-fibre broadband to be provided, and notes that non-planning-related legislation already require new residential development to install full-fibre broadband.

Whilst it is acknowledged that full-fibre broadband is a common feature in all forms of development, taking into account the scale and nature of development, the Local Planning Authority does not consider reasonable to impose a pre-commencement condition in this instance. An informative will instead be attached to advise the applicant to install full-fibre broadband.

It is noted that other concerns such as crime and the proposed shop is unnecessary due to the present of a shop next door have been raised by local

residents. However, it is considered that a Use Class E(a) retail store would not result in adverse crime impacts, and the Local Planning Authority cannot consider any impacts regarding competition to existing businesses, apart from assessing the proposal against Policy SP11, which has been addressed above.

The proposal is for a proposed single retail unit and is as such not considered overdevelopment.

Conclusion

It is concluded that notwithstanding the objections received, the proposed development is considered to be acceptable which would not adversely affect the character of the surrounding area, result in adverse impact to neighbouring residents, or cause unacceptable levels of highway safety impact.

As such, the application would comply with the relevant national and local planning policies and guidance and is therefore recommended for approval subject to conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved and/or carried out before development can start. Condition number 03 of this permission requires matters to be approved and/or carried out 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 number 03 is 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, or matters carried out.'

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)

- Location Plan, drawing number 250709 100
- Site Plan as Proposed, drawing number 250709 201 A
- Ground Floor Plan as Proposed, drawing number 250709 202 A
- First Floor Plan as Proposed, drawing number 250709 203 A
- Roof Plan as Proposed, drawing number 250709 204 A
- Elevations as Proposed Sheet 1 of 2, drawing number 250709 205 A
- Elevations as Proposed Sheet 2 of 2, drawing number 250709 206 A

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the commencement of works a scheme for bollards to be located at the rear of the adopted highway shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be then implemented prior to the development being brought into use.

Reasons

To prevent vehicles from obstructing the public footway in the interests of highway safety.

04

Materials to be used for the proposed shop front, proposed replacement windows, bollards, as well as any new materials required for the development hereby permitted shall be in accordance with the details provided in the approved plans. 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.

05

The use hereby permitted shall only be open to customers between the hours of 07:00 and 23:00 Mondays to Sundays.

Reason

To safeguard the amenities of the occupiers of nearby residential properties in accordance with Local Plan Policy SP52 'Pollution Control' and the National Planning Policy Framework.

06

No deliveries, including the loading and unloading of goods, shall take place outside the hours of 08:00 and 21:00 Mondays to Saturdays, and 09:00 and 21:00 on Sundays.

Reason

To safeguard the amenities of the occupiers of nearby residential properties in accordance with Local Plan Policy SP52 'Pollution Control' and the National Planning Policy Framework.

07

The premises shall be used for activities falling within Use Class E(a) – 'Display or retail sale of goods, other than hot food' only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, (or any Order revoking and re-enacting that Order with or without modification).

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with Local Plan Policy SP52 'Pollution Control' and the National Planning Policy Framework.

08

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

Competent Person – Footnote

All noise assessment to be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk/> (0300 999 9675) for a list of members.

Reason

To safeguard the amenities of the occupiers of nearby residential properties in accordance with Local Plan Policy SP52 'Pollution Control' and the National Planning Policy Framework.

09

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.

The area shall thereafter be maintained in a working condition.

Reason

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

10

The proposed turning area, as demonstrated on drawing number 250709 201 A, shall remain clear of any objects that would restrict vehicle turning capability and shall be available at all times for vehicle manoeuvring purposes.

Reason

To prevent vehicles from reversing onto the public highway in the interests of highway safety.

11

All gates shall be hung so as not to encroach into the highway when open or being opened.

Reason

In the interests of highway safety.

12

The proposed car parking facilities shown on drawing 250709 201 A shall be for residents / staff only.

Reasons

In the interests of highway safety.

Informative

01

To ensure that commercial sites in South Yorkshire are developed with the same level of future-proof internet connectivity as is required to residential sites, gigabit-capable full-fibre broadband is recommended to be provided as part of the development hereby permitted.

02

The granting of this planning permission does not authorise any roller shutters to be installed. The installation of external roller shutters on shop fronts is not permitted development according to sub-paragraph A.1(i) of Class A in Part 7, Schedule 2 of the Town and Country Planning (General Permitted

Development) (England) Order 2015, as amended. Full planning permission will be required should external roller shutters be proposed in the future.

03

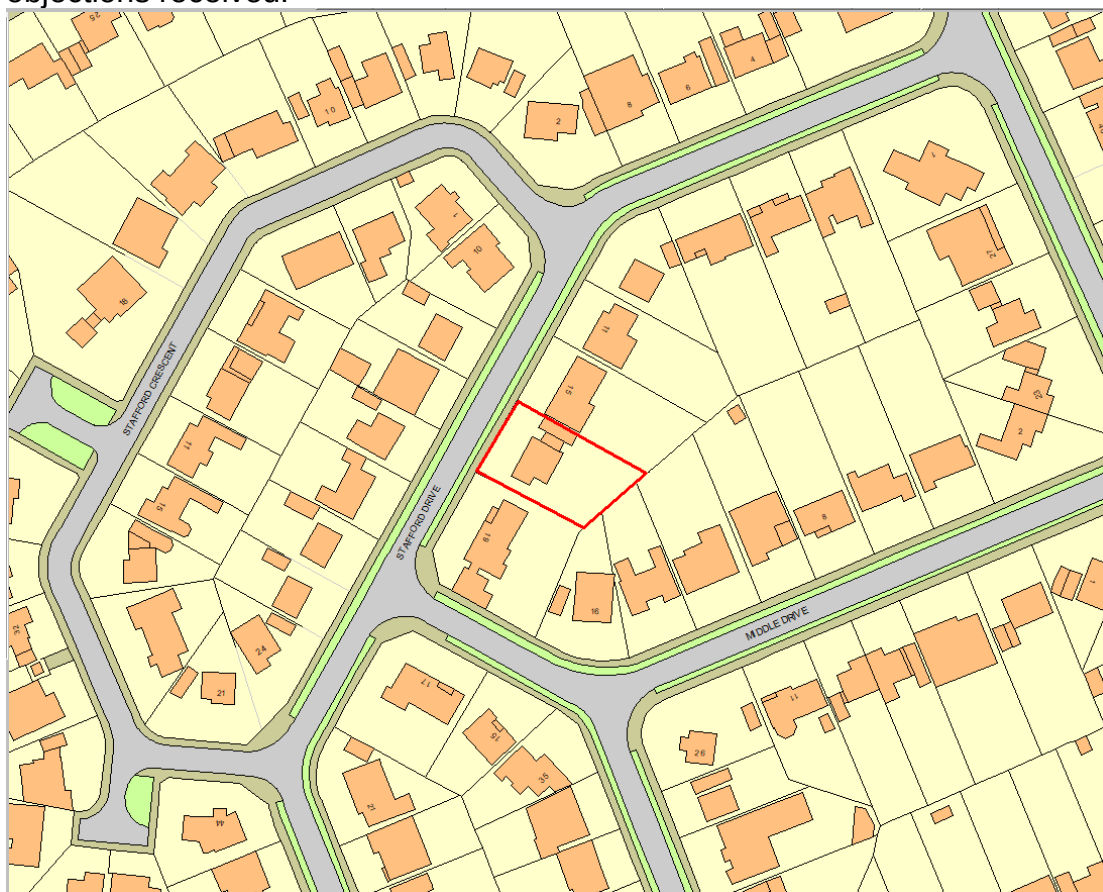
The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

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	RB2026/0697 https://rotherham.planportal.co.uk/?id=RB2026/0697
Enforcement Number	EN2025/0137
Proposal and Location	Demolition of existing garage and erection of two storey extension to gable sides, two storey front extension, single storey side & rear extension, decking area to rear with steps, rendering of external walls and additional highway access with new boundary wall, fencing & gates at 17 Stafford Drive, Moorgate
Recommendation	(A) Grant Conditionally (B) Authorise Enforcement Action and Prosecution as appropriate

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



Site Description & Location

The application site relates to 17 Stafford Drive, Moorgate which is a two storey detached property in an allocated residential area consisting of relatively large two-storey detached dwellings with a variety of appearances and external materials within the surrounding area.

Background

Relevant Planning History:

RB2024/1502 – Two storey extension to gable sides, two storey & single storey front extensions, single storey rear extension and new boundary wall, fencing & gates (Granted Conditionally)

RB2025/1146 – Demolition of existing garage and erection of two storey extension to gable sides, two storey front extension, single storey side extension, single storey rear extension with ornate balcony above, decking area to rear with access ramp, render external materials and new boundary wall, fencing & gates (Refused). Enforcement action was authorised at this time requiring the removal of the first floor balcony that had been formed over the single storey rear extension, as well as a reduction of the projection of the two storey front extension to that approved under RB2024/1502, and the removal of all additional side windows to that approved.

RB2026/0218 – Demolition of existing 4 bedroom residential dwelling and erection of new 4 bedroom residential dwelling (Withdrawn)

The current application has been submitted in an attempt to regularise the breaches that have occurred on site, as well as proposing changes to parts of the extensions that were not considered acceptable in previous applications.

Biodiversity Net Gain (BNG)

The proposal is considered to be exempt from the BNG plus 10% requirement as the proposal is a householder application.

Proposal

This application consists of:

- Demolition of the existing side garage and erection of part-single, part-two storey side and rear extension
- Erection of dual-pitched two storey front extension
- Erection of raised decking to rear
- Rendering of external walls with installation of insulation to front elevation
- Alterations and installation of fenestration including Juliet balconies to the first-floor rear elevation, additional windows in the side elevations, and rooflights
- Formation of additional highway access with 2m-high boundary wall and railings to the front boundary and 2no. access gates to the front boundary.

The two-storey side and rear extension would be provided with a dual-pitched roof with gable ends at first floor, the single storey rear extension would have a flat roof.

The two-storey front extension would be provided with a gable front, projecting 2.49m from the original front elevation and being 3.3m in width.

The raised decking would be 0.6m above ground level, would have a depth of 2.7m and would be sited between 3 and 3.3m from side boundaries. A 1.83m high glazed screen would be sited on either side.

The plans submitted show the overall height and width, when including both the pre-existing dwelling and the side garage, would remain the same.

The application is effectively seeking amendments to what was approved under RB2024/1502, these include:

- Erection of raised decking
- Rooflights and side windows for the loft. All side windows would be obscurely glazed
- Flat roof garage approved in RB2024/1502 has now been constructed as a habitable room with a rooflight on the flat roof and the previously approved garage door is now infilled with windows
- Alterations to fenestration of on all four elevations of the dwelling including installation of rooflights on main roof whilst retaining two Juliet balconies to first floor rear elevation
- The two single storey front extensions as approved under RB2024/1502 are now no longer proposed.
- Render and insulation would result in the principal elevation projecting approximately 0.12m from the pre-existing principal elevation
- The two storey front gable extension, which was constructed larger than approved in RB2024/1502, would be reduced to a maximum projection of 2.49m from the original principal elevation, approximately 0.15m more than approved in RB2024/1502. The front gable roof overhang would also be reduced.
- Existing hedgerows retained
- Erection of boundary wall, railings and gates to allow two highway accesses and 4no. parking spaces.

Apart from the above elements, all other aspects of this application appear identical to that of RB2024/1502 and have been approved in such application.

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):

Core Strategy
CS28 'Sustainable Design'

Sites and Policies Document
SP55 'Design Principles'

Other Material Considerations

Supplementary Planning Document – 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council in October 2025.

The National Planning Policy Framework (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.

Publicity

Adjacent neighbouring properties, and members of public who have commented on previous applications at the address have been notified in writing. Letters of representation have been received with 9 letters of objection and 7 letters of support.

Objectors have the following planning concerns:

- The first floor balcony would result in a loss of privacy to neighbours through overlooking
- The front extension is too large and overbearing which would not meet the 2-metre requirement in the SPD Householder Design Guide
- Velux windows on the loft are large and unnecessary which could allow a conversion to habitable room in the future
- The singles storey flat roof side extension is too large
- The proposed vehicle access is too steep
- Planning breaches on site and the fact that this application is retrospective should be taken into account when assessing this application
- Roof of the flat roof rear extension should be sloped to prevent it from being converted into a balcony in the future
- The roof light installed on the flat roof side extension is too large and harmful to the street scene
- Additional windows would cause overlooking
- Conversion of garage impacts neighbour amenity
- Scale, massing and design not in keeping with the area

- Extended dwelling not in keeping with the street scene and does not follow the existing building line amongst neighbouring properties
- First floor windows would result in overlooking
- Second driveway is unnecessary
- Additional dropper kerb could reduce availability of on-street parking

Other issues have also been raised:

- The development has been constructed into neighbours' land and the red line boundary submitted to this application protrudes into neighbours' boundaries
- Objections from previous applications should be considered
- Works currently being carried out on site are causing disturbance
- Applicant did not comply with the previous permission the council should not therefore consider this application
- The Council-owned tree was damaged
- Neighbours' trees were damaged
- Other general safety and crime concerns

The letters in support consider that the proposals would be in keeping with the surrounding area. Other supporting comments also raised general support over the proposals.

4 Right to Speak Requests have been received in relation to the application at the time of writing the report.

Consultations

RMBC – Transportation Infrastructure Service: No objection subject to conditions.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Design and appearance, including impact on the streetscene
- Impacts to neighbouring amenity
- Highway impacts
- Other issues

Design and appearance

Local Plan Policy CS28 'Sustainable Design' states:

"Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping".

Local Plan Policy SP55 'Design Principles' sets out that development must be:

"Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

- a) the setting of the site, including the size, scale, mass, volume, height, orientation, form and grain of surrounding development;*
- b) that an assessment of local building materials, their colour and architectural detailing has been undertaken and submitted with the application;*
- c) the use of appropriate materials and landscaping and utilisation of natural features, such as topography, watercourses, trees, boundary treatments, planting and biodiversity to create visually attractive high quality development;*
- d) proposals reinforce and complement local distinctiveness and create a positive sense of place...*
- g) the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings and ensure that adjoining land or properties are protected from overshadowing."*

The Council's adopted 'Householder Design Guide', October 2025, Design Guidance 1.1 notes:

"The size and design of extensions should be subsidiary to the existing dwelling and allow the original building to remain dominant. Matching rood styles should be used in any new extension proposals. It is important that an extension is in proportion with the existing house. In general, it should not dominate the house by being bigger, higher or set forward (towards the street). Extending a house in that way will make it look unbalanced and incongruous, particularly if neighbouring houses are similar in design and regularly set out."

Design Guidance 2.4 of the Householder Design Guide SPD further notes:

“Front extensions are eye catching and can significantly alter the appearance of a building. In general, bay windows should be retained and on terraced and semi-detached properties single storey extensions that extend across the entire frontage and two storey front extensions will normally be refused. Front extensions should not harm the character and appearance of the host property or be of a design out of keeping with others in the street. The impact on the amenities of the neighbouring property should also be considered, and any front extension should project no more than metres, or 1 metre where it is within 2 meters of a neighbouring window.”

Regarding roof alterations, Design Guidance 2.11 states *“Loft conversions, or rooms in the roof-space, are often advertised as a simple way of providing extra living space. However, there can be problems. The following points should be considered:*

Increased overlooking of neighbours’ properties can be a problem, especially with a bungalow where dormer windows in the loft can overlook previously private areas. The Council will be critical of all proposals which have a significant effect on neighbours’ privacy.

Roof lights often do not require planning permission and are cheaper to install and maintain and will have less visual impact on the appearance of a house. They will also reduce possible overlooking problems.”

Additionally, paragraph 135 of the NPPF states:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Principle of Development

The principle of the development has been established in the previous planning consent RB2024/1502 for a complete redesign of the pre-existing property at the application site. It was considered, in such previous planning consent, that *“Although the proposal does not comply with the guidance in the SPD, due to the host property’s position and surrounding properties which are of individual design, with some being extended and redesigned, it is considered that the proposal will not be materially harmful to the area.”*

As the principle of development has already been established in RB2024/1502, considerations and assessment can only be made in this application regarding the elements that are different from the previous planning consent. Accordingly, the main issues to be considered in the determination of this application are the impact on the character and appearance of the property and the street scene and on residential amenity of those changes.

Alterations to fenestration

Rooflights and side windows have been installed serving the loft of the extended dwelling. Locations of window and door openings have also been altered with additional side windows as well as alterations to the locations of the two Juliet balconies on the first floor rear elevation.

Whilst it is noted that concerns have been raised over the impact of the rooflight on the single storey flat roof side extension to the street scene as well as suspecting the windows on loft level could allow future conversions of the loft to habitable space, the window and door openings submitted to this application are not considered to result in material harm to the character of the extended dwelling or the surrounding built environment, and any potential future conversions to loft cannot be considered.

Members of the public are reminded that conversions to the loft including installation of new windows could usually be carried out under permitted development without planning permission. Front and rear windows could also be fully opening and clear glazed.

Loss of garage to form additional habitable space

The garage as approved in RB2024/1502 has instead been constructed as habitable living space with an extended dining room, and an enlarged ground floor bathroom and utility room. This is an alteration that has not resulted in harm to the character of the dwelling and the surrounding area.

Removal of single storey front extensions

The removal of single storey dual-pitched gable extensions at the front are considered acceptable on character terms which has not resulted in harm to the surrounding area.

Two storey front extension

Construction for the two-storey front extension appears to have been completed. As such front extension appears consistent with the plans submitted to the refused application RB2025/1146, this application proposes a reduction in front projection, with a maximum projection from the original principal elevation of 2.49m, which would still be approximately 0.15m more than the approved RB2024/1502. The front gable roof overhang would also be reduced.

It should also be noted that according to plans submitted to this application, the proposed render and insulation would result in the principal elevation projecting approximately 0.12m from the original principal elevation, and the two-storey front extension would therefore consequently project approximately 2.34m from the new principal elevation.

Concerns have been raised by members of the public that the front extension would still be too large as the SPD Householder Design Guide states that a maximum 2m-projection would be allowed, and the resulting dwelling does not follow the pre-existing building line amongst neighbouring properties. The previous application RB2024/1502 has already approved a front projection of more than 2m. With the projection being another 0.15m more than previously approved, it is not considered significant which would result in unacceptable harm to the street scene and would remain subservient to the main dwelling element.

Impacts to Neighbouring Amenity

Raised decking to rear

Regarding privacy, Design Guidance 1.3 states: *“Balconies, decking, raised patios, verandahs and windows serving habitable rooms such as kitchens, living rooms and bedrooms should be sited so that they do not directly look into the habitable windows of adjacent houses or their private gardens... Balconies can create an unacceptable loss of privacy and are usually unacceptable on semi-detached and terraced properties. Where they are proposed, they must be a minimum of 2 metres from any neighbouring boundary with appropriate screening to avoid any overlooking.”*

The application site, along with properties adjacent on Stafford Drive, are sited on a sloped surface which slopes down from the public highway. The previous, larger, decking was refused under RB2025/1146, and this proposal proposes a raised decking with a reduced depth of 2.7m from the rear elevation of the existing dwelling and would be set approximately 3-3.3m away from either side boundaries of the site with steps providing access to the rear garden. Approximately 1.83m-high glazed screens would also be installed on either side of the decking.

The proposed decking, with glazed screens installed to either side of the decking, is considered to be an acceptable addition which would not result in unacceptable levels of overlooking to neighbours on either side of the site and is considered acceptable.

Alterations to fenestration

With additional side windows on all levels of the extended dwelling and the dwelling being sited of close proximity to side boundaries of the site, to prevent any sideways overlooking to neighbouring properties, a condition will be imposed to ensure all side windows are obscurely glazed and non-opening up to 1.7m above floor level. Should this be complied with, it is considered the alterations to window and door openings are acceptable which would not result in unacceptable impact to neighbouring amenity. Side windows on the loft level would also be fully non-opening and obscurely glazed.

Concerns have also been raised by members of the public regarding overlooking if a balcony is constructed on the flat roof rear extension in the future. A balcony is not proposed in this application, and any future erection of a balcony require additional planning permission.

Loss of garage to form additional habitable space

Windows have been installed to the front elevation instead of a garage door, and two side windows have also been installed, directly fronting the side boundary of 15 Stafford Drive.

No impacts to neighbouring amenity would be caused by the additional front window, and as mentioned above the side windows will be required to be obscure-glazed and non-opening up to 1.7m above floor level.

Members of public have raised concerns that the conversion of garage impacts neighbour amenity, and the flat side extension is too large. The Council considers that the extension would remain subservient to the pitched roof main part of the dwelling, and it is considered that measures requiring windows to be obscurely glazed and non-opening up to 1.7m above floor level are sufficient to mitigate any possible overlooking impacts and would not warrant refusal.

Removal of single storey front extensions

The proposed removal of single storey front extensions is not considered to result in any harm to neighbouring amenity.

Two storey front extension

The increase in front projection of the two storey front extension is not considered to result in harm to neighbouring amenity.

Highway Impacts

An additional highway access is proposed, and the proposed driveway would now accommodate 4no. parking spaces.

A 2m-high boundary wall and fence constructed of brickwork, iron railings, and two sliding gates constructed on black ironwork are proposed.

Design Guidance 2.10 of the Householder Design Guide SPD states: *“High front boundary walls/fences/gates create a poor street scene and can be visually oppressive... Tall boundary treatments can also adversely impact the attractiveness and useability of cycleways and footpaths.”*

High boundary walls and gates have previously been accepted in the previous planning consent RB2024/1502 however the approved non-close boarded timber has been changed to iron railings, with details provided on the submitted plans. This is considered acceptable which would not result in adverse harm to the openness of the street scene.

An additional highway access and dropped kerb is subject to further permission under the provisions of the Highways Act 1980.

Concerns have been raised that the proposed vehicle access is too steep, a second driveway is unnecessary, and an additional dropped kerb could reduce availability of on-street parking.

No objections have been raised by the highways officer regarding parking as the proposed additional driveway would allow more vehicles to be parked off-street which would alleviate on-street parking pressures. No concerns have also been raised by the highways officer regarding the gradient of the proposed driveway.

Whether a second driveway is unnecessary cannot be considered as part of a planning application as the Council does not have a planning policy restricting owners of residential properties to have a single driveway. It should also be noted that a number of properties within the surrounding area consist of two highway accesses. Furthermore, Stafford Drive is an unclassified highway and as such Highway Officers have no objections in this instance to the additional access.

Other Matters

Several letters of representation questioned whether the application would comply with plans submitted to this application should permission be granted and requested the Council to take consideration of the enforcement records of the site as well as raising questions whether the Council should even accept the applicant from submitting any new applications.

Speculations have also been raised about future potential issues or further planning breaches and expressed that the Council should take objections from previous applications into consideration.

Members of the public are advised that local planning authorities cannot reject any persons from submitting planning applications and all applications are assessed on a case-by-case basis based on the proposal presented before them. Speculations for any potential future issues at the site and public representations submitted to other planning applications cannot be considered.

The site is also subject to ongoing enforcement investigation.

The description of the site has been amended on 9 July 2026 to ensure the description accurately reflects all elements of the proposal. Amended landscaping and street view plan has also been received providing a minor amendment to confirm the material of the proposed boundary treatment. Such change is considered minor and it is not considered necessary to re-consult members of the public.

In terms of land ownership issues, similar to the previously refused application RB2025/1146, a Location Plan with an enlarged red line boundary has been submitted with this application, raising concerns that neighbouring land has been occupied.

The applicant states that land within the submitted red line boundary is fully within his ownership, and there is an ongoing legal dispute regarding land ownership.

Whilst the applicant has the responsibility as part of a planning application to declare land ownership, the Local Planning Authority could not question the applicant's claim regarding land ownership, as this is a civil matter.

Any boundary or land ownership issues should be addressed through legal means.

Members of public have also raised concerns over the Council-owned tree that was previously damaged during the construction of the extensions carried out on site. The Council's Tree Service removed the tree due to safety concerns.

Whilst it is noted that the proposed second highway access may be constructed over the location of the removed tree, as the site is not located on a classified road the construction of a highway access does not require planning permission. This issue cannot therefore be considered as part of this planning application; however it should be emphasised that the applicant has a responsibility to ensure all other non-planning-related legislation and requirements are complied with throughout development, including the Highways Act and avoiding damage to Council property. The applicant may be liable to fines or charges should Council-owned properties be damaged.

Further concerns have been raised by members of the public that the dwellinghouse would not be in keeping with the surrounding area. This dwellinghouse, apart from the above elements which are considered acceptable and in accordance with Local Plan Policies CS28 and SP55, remains largely similar in massing and scale terms to the previously approved application RB2024/1502.

Conclusion

Having considered the impacts of the overall changes to the dwellinghouse when compared to RB2024/1502, it is considered that such changes are considered acceptable and would not result in an appearance materially harmful to the character of the surrounding residential area, which consists of dwellinghouses of a variety of appearances. No unacceptable levels of overlooking or overbearing impacts would also be caused as a result of the proposal that would warrant refusal of this application.

As such the overall development is considered to accord with all relevant local and national planning policies and is therefore recommended for approval subject to the conditions.

Enforcement

Planning breaches have been identified at the site and enforcement action has been authorised under application RB2025/1146 for the removal of the balcony that had been formed, removal of all side windows, and the completed development to accord with plans approved under RB2024/1502 (including reduction in depth of the two storey front extension).

Extensive works have been carried out at the site, and the site remains fenced off and currently uninhabited. The current scheme does not include a balcony, and a balcony has not as yet been constructed, and nor has the decking that was previously refused.

The building currently contains side windows that are not obscurely glazed and the latest plans show these to be replaced with non-opening windows below 1.7m from the floor level of such rooms. Recommended condition 5 relates to the requirement for such windows.

This leaves the two storey front extension that has been built without permission, and is larger than the extension currently proposed. In view of the recommendation to grant planning permission to this current application, enforcement action should be taken to ensure that the development, when completed, would strictly comply with plans approved under this latest permission. This includes a reduction of the depth of the front extension.

When considering Enforcement Action, Members must also have regard to Article 1 of the First Protocol of the European Convention of Human Rights under which every person has a right to peaceful enjoyment of his

possessions, except in cases where those rights are outweighed in the public interests.

The Service of an Enforcement Notice is an interference with the rights of the person named in this report. However, the interference is justified as in this case it is considered that some planning breaches that have occurred at the site do not have planning permission and are considered to be contrary to Local Plan Policies and the guidance in the NPPF.

Therefore, the legitimate aim is of protecting the “rights of others” through the preservation of the environment. It is also considered that the interference is both necessary and proportionate. In conclusion the infringement of human rights is considered necessary for the preservation of the environment in the interests of the community.

Considering the above, the Council should take enforcement action in order to ensure that the development at the site, when completed, would comply with the plans approved under the current application, RB2026/0697, which includes the reduction of the projection of the two storey front gable extension, with a compliance period of 6 months from when any enforcement notice served comes into effect. It is also recommended that, where the Enforcement Notice is not complied with within the relevant timescales, Prosecution action be authorised.

Recommendation

(A) Planning permission be granted with the following conditions:

Conditions

01

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)

- Location Plan, drawing number DW09 REV 02
- Proposed Block Plan, no drawing number
- Existing and Proposed Layout Drawings, drawing number JBA.4438.101
- Existing and Proposed Elevations Sheet 1, drawing number JBA.4438.102
- Existing and Proposed Elevations Sheet 2, drawing number JBA.4438.103
- Landscaping and Street View, drawing number JBA.4438.104B, amended plan received on 24.07.2026

Reason

To define the permission and for the avoidance of doubt.

02

The materials to be used in the construction of the external surfaces of the development, the boundary treatment and landscaping hereby permitted shall be in accordance with the details provided in the submitted application form and shown on approved drawing numbers JBA.4438.104B.

Reason

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

03

Prior to the decking hereby approved being brought into use, the proposed screening panels as indicated in approved drawing numbers JBA.4438.102 and JBA.4438.103 shall be installed. The screening shall thereafter be retained in perpetuity unless otherwise agreed and approved in writing by the local planning authority.

Reason

In order to safeguard the amenity of neighbouring occupiers.

04

Prior to the development being brought into use, the windows on the side elevations of the development hereby approved 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 windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. The windows shall be permanently retained in that condition thereafter.

Reason

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

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.

(B) That the Planning Board in conjunction with the Director of Planning Service, authorise the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990, on the OWNER/OCCUPIER of, and anyone else having a financial interest in, the land at 17 Stafford Drive, Moorgate, Rotherham, S60 8DQ, requiring the reduction of the projection of the two storey front extension to that approved under RB2026/0697, with a compliance period of 6 months from when any enforcement notice served comes into effect. Prosecution is also authorised should the appropriate steps not be carried out within the specified time period.