

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

1 Ref: RB2008/1129

Page 158 Discharge of Planning Condition 14, External Materials and Solar Panels for Planning Application RB2008/1129, Erection of 4 No. three storey apartment blocks (24 apartments in total) and 10 No. two storey dwellinghouses at Wagon Road, Greasbrough.

2 Ref: RB2009/0020 (OUT)

Page 159 Outline application for the demolition of the existing building and erection of ground floor café and retail units with residential above and basement parking including details of access at The Grand Cinema, Muglet Lane, Maltby for Mr. Scott Blount.

Item 1

Ref: RB2008/1129

Discharge of Planning Condition 14, External Materials and Solar Panels for Planning Application RB2008/1129, Erection of 4 No. three storey apartment blocks (24 apartments in total) and 10 No. two storey dwellinghouses at Wagon Road, Greasbrough.

Recommendation:-

That the Council approve the submitted sample materials

Background

The above planning application was approved at Planning Board on 28 August 2008. Whilst Planning Board recommended the application for approval, a number of Members had concerns regarding the external appearance of the flats and the quality of materials to be used. It was therefore agreed that the discharging of the external materials and proposed solar panels should be approved through Planning Board.

The Council is now in receipt of the materials and two new computer generated images that better portray the quality and design of the proposed flats and semi detached housing.

The applicant intends to use local sourced red and yellow bricks for the flats and houses, with the darker red brick around the windows to add relief to the front elevation. Grey painted timber windows are proposed to be used on the properties and a blue concrete tile is proposed for the semi detached dwellings with specialist solar tiles integrated within the southern roofslopes.

It is considered that the proposed materials are of high quality and show a degree of environmental sustainability in terms of the energy generated from the solar tiles and the local sourced bricks and timber windows. The computer visualisation demonstrates that the flats will have a high quality appearance that will improve the streetscene of Wagon Road

The materials are therefore recommended for approval on this basis.

Outline application for the demolition of the existing building and erection of ground floor café and retail units with residential above and basement parking including details of access at The Grand Cinema, Muglet Lane, Maltby for Mr. Scott Blount

Recommendation

- A. That the Council resolves to enter into a legal agreement with the applicant under the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of ensuring provision of affordable units, the affordable units to be provided by the Developer on site will be 25% of the proposed total number of residential units, the details of which shall be agreed before the commencement of the development.**
- B. That consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission subject to the following reasons for granting permission and recommended conditions and informatives.**

STATEMENT OF REASONS FOR DECISION TO GRANT PLANNING PERMISSION

1. Having regard to the Development Plan and all other relevant material considerations as set out below:
- a) Development Plan Policies
- (i) Regional Spatial Strategy
- Policy SY1 'South Yorkshire sub area'
 - Policy H1 'Housing'
 - Policy H4 'Provision of Affordable Housing'
 - Policy T1 'Personal Travel Reduction and Modal Shift'
- (ii) Local Planning Policy
- Policy EC5 'Mixed Use Areas'
 - Policy HG4.3 'Windfall Sites'
 - Policy HG5 'The Residential Environment'
 - Policy ENV3.1 'Development and the Environment'
 - Policy ENV3.7 'Control of Pollution'
 - Policy RET1.1 'Shopping Environment'
 - Policy T6 'Location and Layout of Development'
- b) Other relevant material planning considerations
- (i) Supplementary Planning Guidance
- Interim Parking Standards (adopted June 2002)

Interim Planning Statement: Affordable Housing (adopted August 2008)

(ii) National Policy Guidance

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 3 (Housing)

Planning Policy Guidance 13 (Transport)

Circular 11/95 The use of conditions in planning permissions

Circular 05/05 - Planning Obligations

2. For the following reasons:

It is considered that subject to the satisfactory signing of the Section 106 agreement that the proposed development would make a significant contribution to both the housing supply and affordable housing provision in accordance with Policies H1 Housing and H4 Provision of Affordable Housing of the Regional Spatial Strategy for Yorkshire and the Humber.

It is further considered that subject to imposition of recommended conditions and informatives, and the submission of acceptable detailed proposals, the development will constitute the efficient use of land in a sustainable location with access to a variety of local services and modes of transport. The proposals also meet to an acceptable degree the advice and guidance referred to above.

It is also considered that the development will not have a materially adverse impact on road and pedestrian safety and that the proposed access to the site is acceptable. It is also considered that the development traffic can be safely and conveniently accommodated within the local highway network.

3. The forgoing statement is a summary of the main considerations leading to the decision to grant planning permission. More detailed information may be obtained from the Planning Officer's report; the application case files and associated documents.

Conditions Imposed:

01

Before the commencement of the development, details of the layout, scale, appearance, and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan received 18 December 2008.

03

Detailed plans to be submitted in accordance with this permission shall include a proposed access drive of minimum width 5 metres and separate

footpath 2 metres in width. Such approved footpath details shall be segregated from the access road and shall be implemented before the development is first occupied.

04

[PC94] Prior to the commencement of development hereby approved, 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.

05

[PC 24] Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

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

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

The area shall thereafter be maintained in a working condition.

06

Detailed plans to be submitted in accordance with this permission shall include car and cycle parking facilities for all proposed flats in accordance with the Council's Interim Parking Standards and Cycle Parking Standards.

07

Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3 (three) metres either side of the centre line of the water main which crosses the site.

08

The detailed plans to be submitted in accordance with this permission shall include details of the proposed means of disposal of foul and surface water drainage, including details of any off site works, which should be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until those approved details are implemented. The surface water drainage scheme shall be based on sustainable drainage principles.

09

Detailed plans to be submitted in accordance with this permission shall include a landscape scheme which 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 and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

10

[PC38D] Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

11

Unless otherwise agreed in writing with the Local Planning Authority, the retailing and café uses hereby permitted shall only be open to customers or for deliveries between the hours of 07:30 and 23:00 hours Mondays to Saturdays and 09:00 to 22:00 hours on Sundays/Bank Holidays.

12

Detailed plans to be submitted in accordance with this permission shall include the specification, and operation of any air conditioning, plant ventilation or extraction equipment, including expected noise and pollution levels, and the approved details shall be implemented prior to the development being brought into use. Subsequent operation and maintenance shall be strictly in accordance with the agreed details.

13

Detailed plans to be submitted in accordance with this permission shall include the specification, and operation of any renewable energy systems or apparatus, including expected noise and pollution levels, and the approved details shall be implemented before the development is brought into use. Subsequent operation and maintenance shall be strictly in accordance with the agreed details.

Reasons for Conditions:

01

[PR00] No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

02

[PR97] To define the permission and for the avoidance of doubt.

03

In the interests of road safety.

04

[PR94] In order to promote sustainable transport choices.

05

[PR24A] 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.

06

In order to promote sustainable transport choices.

07

In order to allow sufficient access for maintenance and repair work at all times.

08

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

09

[PR37] In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

10

[PR38D] To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

11

In the interests of the amenity of local residents and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

12

In the interests of residential amenity in accordance with policy ENV3.7 'Control of Pollution'.

13 To ensure the energy efficiency of the building and sustainable design within the development in accordance with Policy ENV5 of the RSS.

Informatives:

01

INF 11B Control of working practices during construction phase (General)

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

(i) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of

soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

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

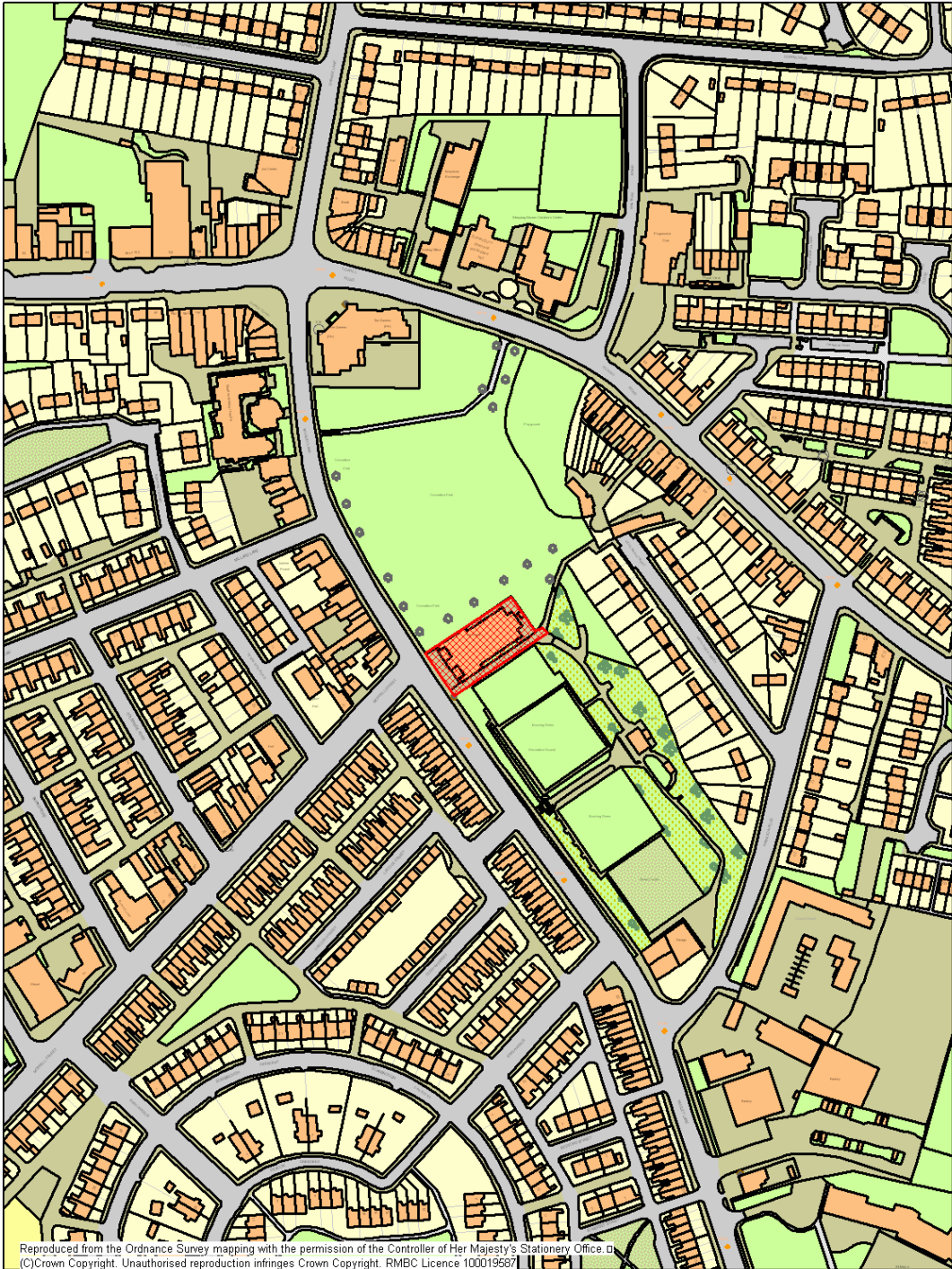
02

The proposed development may involve the diversion/stopping up of an existing definitive public right of way. As such, you should request an application form from the Council's Public Rights of Way Section (01709 822932) under Section 257 of the Town and Country Planning Act 1990

Applications can be made under the Road Traffic Regulation Act 1984 section 1 for a temporary restriction of traffic on public rights of way if it is required because works are proposed to be executed on or near the path which would create a potential danger to the public. Temporary restrictions are allowed for a maximum of 6 months at any one time.

03

The applicant's attention is drawn to the fact that submitted detailed plans in respect of any reserved matters application shall not exceed the scale parameters as indicated in the submitted Design and Access statement addendum 2 (received 3 March 2009) and to the indicative front and side elevation drawings (received on 27 February 2009). It is considered that the lower parameters would be more appropriate in this instance.



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Scale 1:2500

Date: 04/03/2009

Map Centre: □
453568,391940



Rotherham MBC

Envt & Devt Services □

Bailey House □

Rawmarsh Road □

Rotherham S60 1TD □

□



Background

RB1998/0239 - Change of use from a bingo hall to a kitchen and bathroom showroom.

GRANTED CONDITIONALLY 14/05/98

RB2001/1050 - Change of use of part of upper ground floor to a youth advice centre.

GRANTED CONDITIONALLY 11/10/01

RB2007/2334 - Outline application for demolition of existing building and erection of a four storey building comprising 2 no. retail units, 36 apartments and basement parking including details of the access.

WITHDRAWN 20/02/2008

Site Description

The site, roughly rectangular in shape and approximately 0.09 hectares in area, is occupied by the former Grand Cinema which is a brick constructed building of some 21 metres in width by some 40 metres in length. The building currently contains three retail units accessed directly off Muglet Lane with ancillary manufacturing/storage facilities accessed through one of the existing retail units. The site frontage onto Muglet Lane consists of a large forecourt area capable of providing off street parking for approximately 6 vehicles

Overall the existing building ranges from 10 metres at its lowest point to a maximum of some 15 metres in height with its bulk utilising the adjoining land levels by being set down between Coronation Park to the north and the bowling greens to the south. To the west of the building across Muglet Lane are located a mixture of retail, commercial and residential uses which are predominantly two storeys in height.

To the south of the building exists a shared pedestrian/vehicular access which forms part of the route of definitive footpath no.15 which leads to the park, bowling green and residential properties beyond at Hoyland Street.

Proposals

This is a resubmission of a previously withdrawn scheme and seeks outline planning permission for the demolition of the existing building and erection of ground floor café and retail units with residential above and basement parking, details of access are to be considered at the outline stage with all other matters reserved for subsequent approval.

The means of access is proposed by utilising the existing access on to Muglet Lane which is shared with definitive footpath no.15 and shows a new access road of some 7 metres in width and would provide an access road of 5 metres capable of accommodating two way traffic and a dedicated 2 metre wide

footway which would enable a dedicated footway for footpath no.15. The overall length of the access is proposed to run roughly the full length of the building.

The application is accompanied by a Design and Access statement and a number of indicative drawings which show a building of some 17 metres (allowing for a 1.5 metre overhang) in width by some 43.6 metres in length and gives height indications ranging between 11 metres (minimum) to 13.75 metres (maximum) at the front and (due to changes in the ground levels from front to rear) a height range of 15.2 metres (minimum) and 17.9 metres (maximum) at the rear of the site.. The submitted details further indicate the provision of basement car parking having access via the new vehicular access with ground floor retailing units shown to the Muglet Lane frontage and a lower ground floor café facility indicated at the rear of the building overlooking the park. Additional indicative details indicate that up to 36 no. 1, 2 and 3 bedroom flats could be provided in a building of up to 4 storeys in height.

The applicant's agent has further offered via a Section 106 Unilateral Obligation a sum of £5,000 towards an enhancement of the park land adjacent the application site.

Development Plan Allocation and Policy

The following Development Plan policies are considered to be of relevance to the determination of this application.

Regional Spatial Strategy (RSS adopted May 2008)

Policy SY1 'South Yorkshire sub area' advises that the focus of development should be placed on Sheffield and the Sub Regional Towns of Barnsley, Doncaster and Rotherham with particular emphasis on city/town centres and inner areas

Policy H1 'Housing' strongly advocates an increase in housing completions for Rotherham from 750 dwellings to 1158 dwellings per year.

Policy H4 'Provision of Affordable Housing' advises that the Region needs to increase its provision of affordable housing to address the needs of local communities by up to 30%.

Policy T1 'Personal Travel Reduction and Modal Shift' states: -"The Region will aim to reduce travel demand, traffic growth and congestion, shift to modes with lower environmental impacts, and improve journey time reliability. This will require a range of complementary measures from land-use and transport policies through to measures that discourage inappropriate car use, encourage the use of lower-emission vehicles, reduce energy consumption, secure air quality improvement, improve public transport and accessibility by non-car modes, and promote the highest standards of safety and personal security."

Unitary Development Plan (UDP)

The site is allocated for mixed use purposes in the Unitary Development Plan. This mixed use designation (MU33), amongst a variety of other land uses, advises in principle A1 (retailing) and C3 (Dwelling houses) as an acceptable land use for this site.

Policy EC5 'Mixed Use Areas' states "Within Mixed Use Areas shown on the Proposals Map, a variety of land uses will be acceptable; the particular uses appropriate to each area and any limitations or requirements pertaining to these uses or their location being set out in the Written Statement."

Policy HG4.3 'Windfall Sites' states that "the Council will determine proposals for housing development not identified in Policies HG4.1 and HG4.2 in the light of their:

- (i) location within the existing built-up area and compatibility with adjoining uses, and*
- (ii) compatibility with other relevant policies and guidance."*

Policy ENV3.1 'Development and the Environment' states: -

"Development will be required to make a positive contribution to the environment by achieving an appropriate standard of design having regard to architectural style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping, together with regard to the security of ultimate users and their property."

Policy ENV3.7 'Control of Pollution' states: -"The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

Planning permission will not be granted for new development which:-

- (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place, or*
- (ii) would be likely to suffer poor environmental amenity due to noise, malodour, dust, smoke or other polluting effects arising from existing industries, utility installations, major communication routes or other major sources.*

The Council will employ all its available powers and where appropriate will co-operate with and support other agencies, to seek a reduction in existing levels of pollution within the Borough in terms of air, water, noise, light, waste, litter

and graffiti. Where concerns arise, the Council will in appropriate cases monitor or require the monitoring of levels of pollution within the Borough in terms of air, water, noise, light, waste, litter and graffiti, in furtherance of this Policy objective.”

Policy RET1.1 ‘Shopping Environment’ states: -“The Council will seek a high quality, attractive and secure environment within shopping areas by:-

- (i) requiring proposals for new, altered or extended properties to be integrated in respect of design, layout and function with neighbouring properties,*
- (ii) requiring proposals for new, altered or extended properties to be considered with regard to any adverse visual impact or effect on neighbouring properties, street form and scene, and the scale and character of the locality,*
- (iii) requiring doorways to incorporate suitably designed access for people with restricted mobility, and equipment such as cash dispensing machines to be at a height suitable for wheelchair users, wherever practical,*
- (iv) promoting the provision of public toilet facilities to all residents, including people with disabilities, in shopping centres and large stores,*
- (v) encouraging the highest standards in the control of shop frontage and sign detailing, and*
- (vi) encouraging and promoting development proposals which are equally accessible to people arriving by car, public transport, bicycle or on foot.”*

Policy T6 ‘Location and layout of development’ “In considering the location of new development, the Council will have regard to the increasing desirability of reducing travel demand by ensuring that:-

- (i) land-uses are consolidated within existing commercial centres and settlement patterns which are already well served by transport infrastructure,*
- (ii) major trip generating land-uses, such as major employment, leisure, retail and high density residential developments, are located in close proximity to public transport interchanges and service corridors,*
- (iii) the development of sites which cause unacceptable traffic congestion on motorways, and local approach roads and trunk roads is avoided,*
- (iv) development patterns, where appropriate, provide opportunities for living close to places of work, and*
- (v) a range of services and facilities are available in villages and local centres with safe and convenient access for pedestrians, cyclists and people with disabilities.*

In addition, the detailed layout of development should have regard to accessibility by private car, public transport, service vehicles, pedestrians and cyclists and people with disabilities.”

Other material considerations

Supplementary Planning Guidance:

The Council's Interim Parking Standards (adopted in June 2002) advises that the maximum spaces required for flatted developments are one space per unit with a further visitor space per two flats.

The Council's Interim Policy Statement on Affordable Housing (adopted in August 2008) requires developer contributions of 25% towards affordable housing on new housing developments of 15 units.

National Planning Guidance:

Planning Policy Statement (PPS)1: 'Delivering Sustainable Development' at para 34 states that: - "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted."

Planning Policy Statement (PPS)3: 'Housing' further re-enforces PPS1 and states at para 16 that development should be well integrated with, and complement the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

PPS3 further advises at para 50 that if development is done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

Planning Policy Guidance Note (PPG)13 'Transport' at para 51 advises that Local Planning Authorities should "not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls."

Publicity

The application has been publicised by both press and site notice and neighbour notification. No letters of representation have been received.

Consultations

Neighbourhood Services (Environmental Health) has no objections subject to relative informatives relating to the control of works during demolition and build phases.

Streetpride (Rights of Way) comment that the recorded width of the definitive path is 1.83 metres and pedestrians should ideally have a separate path of this width away from vehicles. If the number of vehicles using the access is to be substantial some form of separate footpath for pedestrians should be provided.

The Police Architectural Liaison Officer recommends that the site be developed to accord with Secured by Design certification; welcomes the use of loitering repellent bushes (as set out in the Design and Access statement); comments that the café element owing to its location may require the provision of CCTV and/or security shutters; and that care should be taken to the design of balcony heights to ensure they cannot be used as a climbing frame to access the building.

Yorkshire Water comment that a water main crosses the site to the northern boundary and recommend a condition requiring no development to take place within 3metres of its centre line.

Severn Trent Water has no objections subject to the imposition of suitable conditions in respect of surface water and foul sewer details.

Neighbourhood Services (Quality Design Team) comment that the development aligns with the aspirations of the master plan for Maltby undertaken by Lathams having been appointed in 2006 by RMBC Housing Market Renewal Team and meets an identifiable need. Further comments are made over the design of the building but recognise that this is not being considered at this stage.

South Yorkshire Passenger Transport Executive considers that the inbound bus stop onto Muglet Lane currently does not have a bus shelter and therefore the developer should fund the feasibility and full cost of a bus shelter to improve the waiting area and to increase the attractiveness of public transport via the provision of travel master passes for the occupiers of the proposed flats.

The Fire Safety Officer comments that access for fire appliances should be provided in accordance with Building Regulations Approved Document volume 2 part B5 section 16.

The Transportation Unit comment that as a 5 metre wide private drive will be available for access to the 'undercroft' parking along with a separate 2 metre wide footpath (Definitive Footpath no.15) no objections are made to the proposal and recommend conditions be attached to secure this. Finer detailing in respect of bin storage and deliveries can be considered at a later stage.

Neighbour Investments Team – Affordable Housing Officer comments that the affordable housing provision will be for 25% to be provided on site of which the dwelling type, tenure and plot location will be to the approval of the

Council's Affordable Housing Officer, following the submission of final plans and prior to commencement of building works.

Appraisal

The main issues of consideration in relation to this application are:-

- The principle of the development.*
- The acceptability of the proposed means of access upon highway safety and the conflict of pedestrians and vehicles utilising the public right of way.*
- Other material considerations.*

Principle of development:

Policy H1 Housing of the Regional Spatial Strategy (RSS) for Yorkshire and the Humber identifies an increased need for house completions in Rotherham for the plan period from 750 dwellings to 1158 dwellings per year. Overall the development is considered acceptable in principle subject to the further provisions and relevant policies and guidance.

On the issue of affordable housing, the applicant has offered to provide 25% of the total number of dwelling units, rather than to state a number – to allow flexibility in the scheme design at this outline stage. The Council's Affordable Housing Officer has agreed this in principle subject to the type, tenure, and location forming the submission of reserved matters details. Therefore subject to the completion of the S106 Obligation it is considered that the proposal would be in accordance with RSS Policy H4 Provision of Affordable Housing.

The site is allocated for mixed use purposes in the Unitary Development Plan (UDP), wherein the mixed use designation, amongst a variety of other land uses, advises in principle A1 (retailing), and C3 (Dwelling houses) are acceptable. Whilst A3 (café) uses are not included in the 'mix', it is considered that such a facility, to be used by members of the public using the facilities in the nearby Coronation Park, would be acceptable and that the proposal is not considered contrary to UDP Policies EC5 Mixed Use Areas and HG4.3 Windfall Sites.

Access and highway safety:

Regional Spatial Strategy Policy T1 Personal Travel Reduction and Modal Shift; Unitary Development Plan Policy T6 Location and Layout of Development and PPG13 Transport highlight the need to promote accessibility, and in particular to consider the provision of other alternative modes of transport in new developments. It is recognised that the site lends itself to a reasonably central position and close to Maltby's centre which is served by good public transport links. It is not considered that the request from SYPTTE for the applicant to submit a feasibility study and potential contribution towards an improved bus shelter in this locality would be reasonable in this instance. Therefore it is considered that the request for

£5,500 is inappropriate and goes beyond the tests of what is fairly and reasonably related in scale and kind to the proposed development, which Circulars 11/1995 Use of Conditions in Planning Permissions and 05/2005 Planning Obligations state is a material consideration.

On the matter of the proposed access arrangements to the site the applicant has been able to demonstrate that a 7 metre wide access can be achieved which will enable a 5 metre wide private drive to be provided for access to the basement parking areas along with a separate 2 metre wide footpath for the retention of the definitive footpath no.15. Overall it is considered that the vehicular traffic likely to be generated by the development will not have a materially adverse effect on road safety and that proposed access to the site is acceptable and the Transportation Unit concur with this view.

Other material considerations:

As set out in the proposal section of this report, it is noted that all other matters such as layout, scale, appearance and landscaping are reserved for subsequent approval. However the basic level of information has been submitted both in the form of indicative drawings and the information contained within the Design and Access statement to gauge the type of development which could be accommodated upon the site. Overall, whilst these submitted parameters would exceed the layout, building footprint and the upper and lower height limits of the existing building it is considered that the a building of this scale, bulk and massing would not create an overbearing building compared to that which exists at present. An appropriately worded informative is however recommended to ensure that any reserved matters submission follows these parameters. Furthermore the inductive landscaping can be covered by the imposition of a suitable condition requiring further detailing.

The applicant has offered through a unilateral undertaking under Section 106 of the Town and Country Planning Act a sum of £5,000 towards an enhancement of the park land adjoining the application site, in order to off set any disturbance or damage undertaken through demolition and rebuilding works. In respect of this issue it is not considered that contribution relates to the development proposed and would not meet the tests of what is fairly and reasonably related in scale and kind to the proposed development, as set out in Circulars 11/1995 'Use of Conditions in Planning Permissions' and 05/2005 'Planning Obligations'.

Conclusion

Having regard for all the above, it is considered that subject to the satisfactory signing of a Section 106 Agreement and the safeguard of the recommended conditions and subject to the submission of satisfactory details the proposal would provide a quality mixed scheme in a sustainable location, and assist in meeting the target housing completions and affordable housing provision required by the Regional Spatial Strategy.

It is therefore recommended that permission be granted subject to the securing of the Section 106 Agreement relating to the provision of affordable housing.