

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 19th September 2019**

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

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REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 19th September 2019

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

Application Number	RB2019/0384
Proposal and Location	Conversion of existing Public House to 10 No. apartments (Use Class C3), including use of existing outbuilding for storage at Red Lion Hotel, Main Street, Catcliffe
Recommendation	Grant Conditionally



This application is being presented to Planning Board as it does not fall within the scheme of delegation

Site Description & Location

The application site is the Red Lion Public House an Edwardian Public House located on the corner of Main Street and Station Road, Catcliffe. Across Station Road to the south is a railway viaduct.

The building is constructed from red brick, with a number of ornate architectural features typical of the era. At the rear of site is a courtyard and outbuilding. Further to the rear there is a substantial change in levels with the neighbouring dwellings on Station Road at a much higher level, set behind a large red brick retaining wall. Adjacent to the property on Main Street is a commercial property (no. 11) and two residential properties beyond (Nos 13 and 13a).

The pub has been stripped out internally with none of the original internal features retained.

Background

No relevant planning history.

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

Proposal

The application seeks permission for the conversion of the former public house to 10 apartments, comprising of 3 studio apartments and 5 no. one bedroom apartments and 2 no. two bedroom apartments spread over 3 floors. Following Officer's advice the internal layout of a number of flats have been improved to ensure that the majority meet the Council's minimum requirements as well as storage provision provided within the outbuilding and the cellar.

During the course of the application the applicant proposed providing a rooftop garden on top of the existing outbuilding store. This element has since been withdrawn due to concerns relating to noise and disturbance to neighbours and a lack of adequate detail relating to levels changes and the condition of the associated large retaining wall.

The additions/alterations undertaken by the applicant relate to the following:

- Installation of 4 dormer windows to the side elevation
- Installation of rooflights,
- Installation of dormer to the rear elevation
- A new side door.
- New grey UPVC windows
- New signage to replicate the former pub advertising (though the signage would be considered under separate advert consent application).
- Removal of a side chimney.

The floor area of the proposed flats are as follows:

Apartment 1: Studio 39.5sqm
Apartment 2: 1 Bed 45.4sqm
Apartment 3: 1 Bed 46.85sqm
Apartment 4: Studio 33sqm
Apartment 5: 2 bed 57sqm
Apartment 6: 2 Bed 58sqm
Apartment 7: 1 Bed 34.7sqm
Apartment 8: 1 Bed 48.4sqm
Apartment 9: 1 Bed 49.7sqm
Apartment 10: 1 Bed 44sqm

The applicant has submitted a viability report for the pub which states that:

“a) The public house is no longer economically viable:

Appendices A and B demonstrate by letters from the previous landlord and owner of the building that the public house is not viable. The landlord cites a continuing deficit in particular of the last three years of the public house being open which caused no financial support for maintenance of the premises which caused further dilapidation and maintenance issues which results in the current condition of the building requiring a significant amount of work and cost to bring up to a condition which would be fit for purpose to rent.

b) opportunities to re-let premises as social enterprise:

At appendix B the landlord has shown evidence that they have explored the opportunity to rent the premises for alternative social enterprise use but due to the poor dilapidated condition of the building and the cost required to bring to a fit for purpose standard for public uses it is deemed unviable for use by socio-economic groups.

c) The site or premises have been marketed to the Councils satisfaction for 12 months:

Appendix C and D of the report demonstrate that the premises have been actively marketed for over 12 months by Stone Assured Agents with no viable interest in the property.

d) There is an alternative licensed premise within 800 metres:

Appendix E demonstrates that the Waverley Public House is located 800 metres from the Red Lion Public House.

Conclusion:

The assessment and evidence provided clearly demonstrates that the Red Lion Public House is economically unviable and reasonable evidenced marketing has taken place over 12 months and alternative uses explored and that there are alternative licensed premises in the vicinity and therefore demonstrates to the council compliance with policy SP63 for the loss of Public House.”

Development Plan Allocation and Policy

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

The 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):

CS1 ‘Delivering Rotherham’s Spatial Strategy’

CS3 ‘Location of New Development’

CS6 ‘Meeting the Housing Requirement’

CS7 ‘Housing Mix and Affordability’

SP11 'Development in Residential Areas'
SP55 'Design Principles'
SP63 'Loss of Public Houses'

Other Material Considerations

The revised NPPF came into effect in February 2019. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 15 letters of objection have been received and one letter of support. The objectors state that:

- The building has been there for over 100 years and is the only pub left within the heart of Catcliffe.
- The pub needs new ownership and a refurbishment.
- A village of the size of Catcliffe requires a pub.
- Loss of loved community facility, used also for private functions.
- The pub has bats which nest in the outside buildings, and the roof space of the pub.
- Old ship painting located in the top bar is historic and should be retained.
- Lack of adequate parking available for the pub.
- Catcliffe doesn't require any further flats. A lot of new development currently being built adjacent to Morrisons.
- Loss of darts team
- Mosaic in the top side bar should be preserved correctly.
- Windows overlooking neighbouring dwellings
- Will create on street parking issues.
- Noise and disturbance from the potentially 20 residents.
- Proposed amenity space inadequate for number of proposed residents.

The letter of support states that:

- The quicker this pub is converted the better, leaving this property empty for long periods of time eventually gets vandalized or even worse broken into and used as a cannabis factory.

Following the submission of amended plans (in relation to the raised patio area, since removed again from the proposals) 3 additional comments have been submitted stating that:

- We strongly object to the raised communal area which is directly next to our property raising concerns about the noise levels. In addition, since the start of work on the property a number of properties surrounding the pub have had increasing problems with vermin. This may be a future problem with the bins required for the number of planned residents.

- Further to comments previously sent. The plans are inaccurate because there is no number 2 Station Road. Numbers 2, 4 and 6 were knocked into one property known as 9 Station Road before we bought the property over 30 years ago.
- Firstly to say the pub was not viable is ridiculous, tell this to the regulars, which now have no place to drink or socialise.
- He was asked if the pub was part of any social clubs, he answered 'No', tell this to the very successful Red Lion Darts team who were made to go to the Transport club in Masbrough mid season to finish their games, and who have just won the league.
- Mr. Brown says in his statement that because the pub wasn't making any money this is why no repairs were carried out on the building as he 'couldn't afford to do it'. I know personally that the rent was £1,600 a month alone, so surely the pub should never have been left by the owner to fall into such disrepair.
- Personally I feel the owner purposely made the pub fall into disrepair to make his plans easier. I also see Mr. Brown says that he has tried hard to put the pub up for sale/lease, this is a lie, nobody has ever heard of this and I suspect there would have been a few interested parties if so. Where were the advertising signs? Where were the For Lease signs? and more importantly wouldn't the landlady have been informed if this was the case?
- I notice it says that it was advertised with Belle Vue Properties, who funnily enough, Mr. Brown, along with his business partner Carl are directors of.

The applicant and one objector have requested the right to speak.

Consultations

RMBC Transportation – Whilst the flats will have limited parking the site is within a sustainable location close to local amenities and public transport links. As such no objection subject to secure cycle parking and sustainable travel initiatives.

RMBC Drainage – Raise no objections to the proposed development.

Yorkshire Water - No observation comments are required from Yorkshire Water.

Sheffield Area Geology Trust – No objections

RMBC Ecology - Little possibility of bats gaining ingress into the roof space. Similarly the pub was occupied at the time the planning application was submitted which means it was heated and maintained, both of which would dissuade bat occupancy. As such no bat survey required or mitigation measures. Bats are in any event a protected species and it is the applicant's responsibility to ensure that any works carried out do not impact on such species.

Appraisal

The main considerations in this case are as follows:

- Principle of the development
- Design and external appearance
- Amenity issues
- Transportation issues
- Other matters raised by objectors

Principle of the development

The site is allocated for 'Residential' purposes within the adopted local plan and has residential properties surrounding it. The site is located within a sustainable location, close to local amenities, transport links and other dwellinghouses. Accordingly, the residential use of the building would satisfy the requirements of Policies CS1, CS3, CS33 and SP11.

In addition to the above, the site currently accommodates a former public house. Policy SP63 'Loss of Public Houses' is therefore relevant. This policy states the following:

"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 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 report will now look at each of these in turn.

a. the public house is no longer economically viable

Having regard to the above, the previous landlord indicated a continuing deficit, in particular of the last three years of the public house being open, which caused no financial support for maintenance of the premises. This caused further dilapidation and maintenance issues which results in the current condition of the building requiring a significant amount of work. The applicant's agent states that in respect of the state of disrepair, it was the actions of the former owner of the property and not of the applicant that led to the building being in the state it is now, the applicant is simply trying to redevelop the property and it would not be viable for him to refurbish and re-open as a public house, due to factors out of his control.

Having regard to this, and more specifically the length of time the premises have been vacant, it is considered that criterion 'a' of Policy SP63 has been met.

b. opportunities to re-let premises have been fully explored

Turning to criterion 'b' the landlord has shown evidence that they have explored the opportunity to rent the premises for alternative social enterprise use but due to the poor dilapidated condition of the building and the cost required to bring to a fit for purpose standard for public uses it is deemed unviable for use.

c. the site or premises have been marketed

Turning to criterion 'c' the premises have been actively marketed for over 12 months by Stone Assured Agents with no viable interest in the property.

d. there is not an identified need for the public house

The applicant's map at appendix E of the viability assessment shows a pub 800m distant but is 'as the crow flies', including crossing the A630. Therefore this cannot be considered to be within 800 metres reasonable walking distance, as this would require a route significantly longer. As such the applicant has not satisfied all criteria of Policy SP63. The policy is worded such that all criteria should be satisfied (there are no either / or clauses).

In view of this, consideration needs to be given to whether the viability evidence presented and other material considerations outweigh compliance with criterion 'd' of the policy. The pub interior has now been gutted and there is no requirement for the applicant to consider any alternative uses to that proposed, and it is accepted that it is highly unlikely that the premises will become viable again in the near future as a public house. Should planning permission be refused then there is potential that the site could remain vacant and of detriment to the streetscene. Alternatively granting permission would potentially bring the site back into beneficial use.

The site would contribute towards the Borough's housing requirement as set out in the Core Strategy, and the Government's objective of significantly boosting the supply of homes.

In view of the above, providing that the proposal satisfies other relevant planning policies, it is considered that the benefits of bringing the site back into use outweigh non-compliance with criterion 'd' of Policy SP63.

Design and external appearance

Local Plan policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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

The proposed development relates primarily to alterations to the internal layout to accommodate the proposed 10 apartments. However four new dormers are proposed to the side elevation, overlooking Station Road, and one to the rear, as well as minor changes to the fenestration and alterations to the outbuilding to form a store with rooftop garden for residents.

The proposed external changes are in keeping with the character of the property and the applicant has agreed to retain some original features as well as provide pub like signage to the front elevation to reflect its former use (which would be subject to separate consent). A condition has also been attached requiring details of the new double glazing to ensure that the windows reflect the character of the building.

These minor alterations are considered to be acceptable and will retain the character and external appearance of the building. As such the development is considered to accord with the provisions of Policies CS28 and SP55.

Amenity issues

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

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

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

- a) the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b) the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application....."

The proposed development is located within an area that is surrounded by residential properties. The introduction of further residential properties in place of a public house is therefore considered to be more compatible with the surrounding area than that of a public house, and the comings and goings associated with 10 apartments is not considered to have a detrimental impact on adjacent residential properties.

In terms of overlooking of existing properties the new dormer windows to the side elevation faces the railway viaduct and as such they will result in no overlooking. With regard to the new dormer window to the rear this is set 10m from the neighbouring boundary and faces the neighbouring side gable wall. Furthermore in terms of the residential use of the existing rooms due to the significant change in levels no overlooking of the neighbour at No.9 Station Road will occur and furthermore the building has a long history of residential landlord accommodation to the second floor.

Turning to the amenity of future occupants of the development, the application seeks to create a mixture of studio, 1 bedroom and 2 bedroom flats. The South Yorkshire Residential Design Guide (SYRDG) provides guidance on minimum internal spacing standards and quotes that a studio apartment should provide a minimum of 33sqm, 1

bedroom apartment a minimum of 47sqm and 2 bedroom apartments a minimum of 62sqm. 3 of the flats fall just below the minimum size requirements referred to above. The applicant has therefore provided external storage in the existing outbuilding and basement storage to mitigate the reduced size of the flats, and in addition it is accepted that being a conversion a degree of flexibility is required due to, for example, the nature of internal supporting walls.

Having regard to the provision of shared private space, the SYRDG indicates that shared private space for apartments must be a minimum of 50 square metres plus an additional 10 square metres per unit either as balcony space or added to shared private space. The existing rear courtyard will provide parking for two vehicles and an amenity area, which will offer a small outside seating area etc. This will not meet the amenity standards set out in the SYRDG but the site is within easy walking distance of a local nature reserve and a recreation ground which would offer residents access to green spaces. As such, and bearing in mind this is a conversion rather than a new build, the proposals are considered acceptable in this respect.

A number of neighbours have raised concerns regarding overlooking and noise from the rooftop garden. This element has now been withdrawn from the application and the store building will remain unaltered externally.

As such the proposal is considered to accord with Local Plan policy CS27 'Community Health and Safety', SP52 'Pollution Control' and the guidance contained within the NPPF.

Transportation issues

Paragraph 109 of the NPPF states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

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

SP26 'Sustainable Transport for Development' states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 108 and 110 of the NPPF.

SP56 'Car Parking Layout' states layouts must be designed to reduce the visual impact of parking on the street-scene; discourage the obstruction of footways and ensure in-curtilage parking does not result in streets dominated by parking platforms to the front of properties.

The site is located within an existing residential area and close to public transport links. Within the rear courtyard, it is proposed to mark out 2 car parking spaces. The Council's Transportation Service have confirmed that this level of parking is acceptable and the provision of a cycle shelter is welcomed.

A number of objections have raised concerns regarding on street parking along Station Road, generated by the 10 flats. It is considered that a degree of on street parking is acceptable and the nature of the flats in a sustainable location are likely to also attract residents without cars.

In view of the above, the proposal is considered to comply with the Local Plan Policies referred to above and the NPPF.

Other matters raised by objectors

Objectors have raised concern about the loss of a painting and mosaic within the building, though during the course of the consideration of the application the internal features of the building have been stripped in preparation for the development. As the building is not listed these features were not protected and as such their removal cannot be prevented.

Conclusion

The site is located in an allocated Residential area and the applicant has provided sufficient evidence to justify the loss of the public house. The dwelling sizes and amount of outdoor amenity space is considered appropriate for a conversion, bearing in mind existing green spaces in the area, and sufficient car parking has been provided within the confines of the site in this sustainable location.

Accordingly, the proposed change of use of the site is considered acceptable subject to the following conditions.

Conditions

General

01

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

Reason

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

02

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

(Amended Site Plan 07 Rev E) (Received 09 September 2019)

(Amended Proposed Ground Floor 01 Rev B) (Received 22 July 2019)

(Amended Proposed First Floor 02 Rev C) (Received 29 August 2019)

(Amended Proposed Second Floor 03 Rev B) (Received 29 August 2019)

(Basement Plan 12) (Received 22 July 2019)
(Amended Sections Plan 11 Rev D) (Received 28 August 2019)

Reason

To define the permission and for the avoidance of doubt

Materials

03

The proposed new dormer windows shall be clad in slates to match the roof or lead style cladding.

Reason

In the interests of the visual amenity of the area and in accordance with the adopted local plan.

04

Prior to the installation of replacement windows details of the windows shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of the visual amenity of the area and in accordance with the adopted local plan.

Transportation

05

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.

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.

06

Before the development is brought into use the car parking area shown on the submitted plan shall be provided, marked out and thereafter maintained for car parking.

Reason

To define the permission and for the avoidance of doubt

07

Prior to the first occupation, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

08

Details of secure cycle parking within the site shall be submitted to and approved by the Local Planning Authority and the approved details shall be provided before the development is brought into use and retained throughout the life of the permission

Reason

In order to promote sustainable transport choices.

Informative

01

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.

02

INF 25 Protected species

Wildlife Legislation

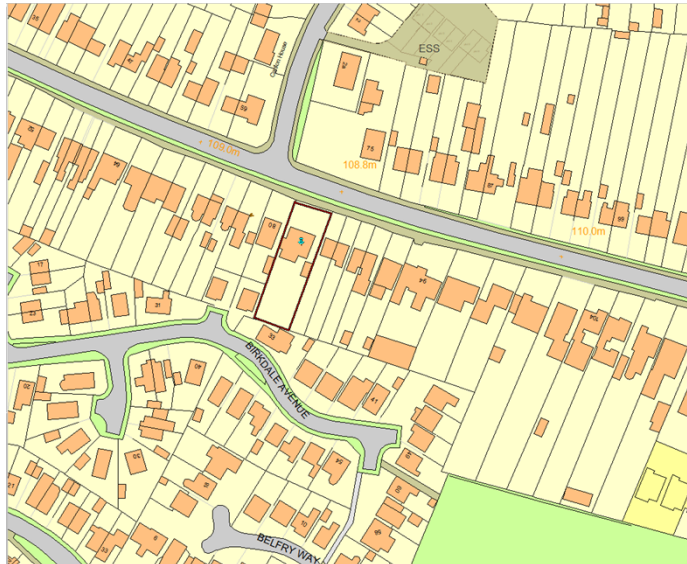
Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found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

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/0873
Proposal and Location	Raising of land levels by 300mm and erection of detached garage at 82 Swinton Hill Road Dinnington.
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 a residential property on the southern side of Swinton Hill Road in Dinnington. The site contains a single storey dwelling to the front of the plot. There are residential properties to both sides on Swinton Hill Road and there are two single storey dwellings close to the rear boundary of the site on Birkdale Avenue.

Background

RB2017/0897 - Demolition of existing garage and terrace, & erection of single storey rear extension and garage and raised patio and raised garden area granted conditionally on 11th August 2017.

The applicant has built the extension on the dwelling and created the raised patio. The garden area has been raised and a garage has been built at the bottom of the garden. However, the plans approved under planning permission RB2017/0897 were inaccurate, primarily in that they showed that once the ground level had been raised by 300mm, it would still be 390mm lower than the ground level at the rear, within the garden of 33 Birkdale Road. In reality, the ground level once raised is 300m above that of the land at the rear (therefore an overall difference of 690mm higher).

In addition, the garage has not been built in accordance with the plans approved under RB2017/0897 - it has been built in a different location, at a higher level and the footprint is not as large as that approved. The garage on site is located closer to the boundary with 84 Swinton Hill Road and 33 Birkdale Avenue and further away from the boundary with 31b Birkdale Avenue. The applicant also started to erect a car port style building

immediately adjacent to/attached to the garage. To address this the applicant submitted a revised planning application Ref RB2018/0690– Application to vary conditions 02 (realignment of garage footprint, alterations to garage, increase in height and provision of lean to structure) & 03 (boundary treatment) imposed by application RB2017/0897.

The original materials proposed were to be cream render with a metal tile effect sheeting (colour anthracite) to the roof. Whilst these materials were different to those on the bungalow at the rear, the visual impact was not considered to be significant, due to the inaccurate plans that indicated that the proposed building would not be clearly visible above the existing boundary fence between the properties. However, once constructed at the 600mm higher ground level than shown on the original plans submitted the garage building became much more prominent when viewed from Birkdale Avenue at the rear.

Additionally, the plan submitted for consideration for RB2018/0690 did not accurately represent what had actually been built on site. The decision on RB2018/0690 was taken based on what had actually been built on site and the revised application was refused 20th July 2018 for the following reasons –

01

The Council considers that the garage is an incongruous feature within the streetscene when viewed from Birkdale Avenue and 33 Birkdale Avenue due to its use of materials and excessive height which is of poor visual quality and commercial in nature, contrary to Core Strategy Policy CS28 'Sustainable Design', Sites and Policies Document Policy SP55 'Design Principles' and the provisions of the NPPF.

02

The garage, due to its height and location close to 33 Birkdale Avenue, is considered to have a detrimental impact on the residential amenity of the occupiers of this property, by virtue of its overdominant and overbearing presence on the internal and external living conditions of the occupiers therein, contrary to Core Strategy Policy CS28 'Sustainable Design', Sites and Policies Document Policy SP55 'Design Principles', guidance contained in the South Yorkshire Residential Design Guide and the provisions of the NPPF.

At that time, enforcement action was authorised to secure the demolition of the garage building and carport, though the raising of the land levels was not included in any enforcement action. The Enforcement Notice was served on 16/11/18, and this required the applicant to "Demolish the garage and car port and remove from the land any resultant building materials"

An appeal against the refusal of planning permission was submitted and dismissed by the Planning Inspectorate on 12th March 2019. The Inspector found no material harm would result in terms of living conditions of neighbours, however concluded that as built it does cause significant harm to the character and appearance of the area.

No appeal against the Enforcement Notice was made and the time for complying with the requirements of the Notice has now elapsed and the building remains in place. However, the applicant has submitted this planning application in an attempt to reduce the level of demolition required and overcome the previous reasons for refusal.

Proposal

The applicant seeks full planning permission for the erection of a garage and the increase in land level of 300mm. The ground level has already been raised at the site.

The garage as currently constructed on site was refused under application RB2018/0690, and subsequently dismissed at appeal. This application proposes amendments to the existing building which would result in a garage which is smaller in footprint than the one currently on site, with the outside of the rear wall being re-located approximately 1.58m away from the outside of the existing (unauthorised) rear wall of the garage. There are no alterations proposed to the front elevation of the garage, so the overall height is not proposed to be reduced.

The proposed garage is to be 12.41m wide, 6.08m deep and 3.7m to the highest part at the front elevation (when measured from the raised ground level as already raised by 300mm). The new rear wall of the proposed garage would support a new steeply sloping roof (at an 82 degree angle) which would join the remainder of the existing roof which is proposed to remain.

The application has been amended so that the materials proposed are brick slips on all elevations and brown Sandtoff Double Roman roof tiles. The existing rear wall of the unauthorised garage would be partially demolished and retained as a freestanding wall at a height of 1.7m (when measured from the already raised ground level of 300mm) and would also be clad in brick slips. The plans also show a new screen fence along the boundary at a height of 1.7m (when measured from the already raised ground level of 300mm). As such, both the retained wall and proposed fence would be 2m in height when measured from the original ground level.

Since submitting this application the applicant has inserted a pedestrian door into the eastern side elevation of the garage, so the plan has been amended to include this.

It is noted that there appears to be an ongoing dispute between the applicant and neighbours at the rear regarding the exact location of the boundary between their properties. Whilst the applicant and the neighbour have submitted details to the Local Planning Authority in an attempt to show the location of the boundary, this ultimately is not a planning matter and is a civil matter between the two parties. It is, however, noted that the building as proposed is clearly situated away from the boundary, and within the applicant's land.

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):
CS28 Sustainable Design

Other Material Considerations

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council on 3rd March 2014

National Planning Practice Guidance (NPPG).

National Planning Policy Framework: It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that the NPPF is "a material consideration in planning decisions".

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

Publicity

The application has been advertised by way of individual letters which were sent to adjacent occupiers and those who made representations to the previous planning application. 10 representations have been received, 9 from local residents and one from Dinnington Town Council. The comments are summarised below –

- The applicant has answered no to a question on the application form which asks if the building can be seen from a public road, public footpath, bridal way or other public land. This is incorrect as it can be clearly seen from Birkdale Avenue.
- The building is too tall and wide to be hidden from view from Birkdale Avenue, especially due to the rise in the road- it is an eyesore.
- The new plans do little to change the visual impact from Birkdale Avenue, it will remain aesthetically unattractive.
- 3.7m in height at the front is too high for a domestic garage, and looks like a building on an industrial estate and the proposed plans will not change the character and appearance.
- The garage is still too close to properties on Birkdale Avenue.
- The proposed large rendered garage with a corrugated metal roof will remain inconsistent with the building materials of the nearby dwellings.
- The building remaining is likely to be detrimental to the emotional wellbeing of some residents of Birkdale Avenue
- The extent to which visual amenity is lost is so great that it remains against public interest.
- The application does not mention the car port which causes harm to the character and appearance of the area.
- Is the ground to be raised by a further 300mm?
- What will it be used for? What is stored inside? There are noises coming from the garage all the time and a JCB parked on site.
- A business is being run from the garage
- It should have been built in accordance with the original plans.
- The garage and carport fail to accord with Policy CS28 of the Local Plan and the NPPF which seek development to be visually attractive and positively contribute to local character.

- Dispute over boundary shown on the plan – red lines on plan are incorrect and will lead to a claim for land theft and aggravated trespass.
- The originally approved plan had a condition to provide a fence which hasn't happened.
- A boundary fence/hedgerow was removed over 12 months ago and not replaced as promised. No confidence that the applicant will do what he promises.
- Why hasn't the building been demolished after the appeal was dismissed by the Planning Inspector and an Enforcement Notice served so that the building will be demolished if the appeal failed.
- Other issues raised regarding civil matters and disputes.

Dinnington St John's Town Council object on the following grounds –

- Beside a change in roof tile the new proposal does nothing to lessen the impact on the neighbouring properties and streetscene – grounds for refusal by RMBC and the Planning Inspector.
- The garage will remain commercial in size and appearance.
- The plans do not address the issue with the car port.

The applicant and two neighbours have requested the Right to Speak at the Planning Board meeting.

Consultations

RMBC - Transportation Infrastructure Service – no objections

RMBC – Drainage – no objections

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, scale and appearance
- Impact on amenity.
- Highway safety.
- Other issues raised by objectors.

Design Scale and Appearance

Core Strategy 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. Design should take all opportunities to improve the character and quality of an area and the way it functions' which seeks to ensure that all development make a positive contribution to the environment by achieving an appropriate standard of design."

Sites and Policies Local Plan policy SP55 'Design principles' states that: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions..... 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; public art should be incorporated into proposals where appropriate;
- 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;"

With regards to the garage the Council's adopted Interim Planning Guidance (IPG) - 'Householder Design Guide' states that garages should generally be restricted to rear and side gardens, they should not be of excessive size and height.

The National Planning Policy Guidance notes that: "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations."

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

The NPPF notes at paragraph 124 that: "Good design is a key aspect of sustainable development". Paragraph 130 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

As already noted in this report, the garage as constructed on site does not have planning permission, and there is a valid Enforcement Notice in place which requires its demolition. However the applicant has submitted this application for consideration, so that if permission is obtained he could amend the building on site into a form of development which could be considered acceptable, without demolishing the whole of the building which would be abortive works.

There have been objections stating that the Enforcement Notice requires the garage should be demolished, so why is the applicant allowed to re-apply to seek approval for amended scheme instead of demolishing the garage.

The NPPF at paragraph 58 stated that “local planning authorities should act proportionately in responding to suspected breaches of planning control”. In this instance it is not considered expedient to pursue the demolition of the garage on site until this application has been considered. If considered appropriate the whole of the garage would not have to be demolished as required by the Enforcement Notice, some of the building could be retained whilst demolishing other parts.

One of the reasons for refusal of the previous application was that *“The Council considered that the garage (as built on site) was an incongruous feature within the streetscene when viewed from Birkdale Avenue and 33 Birkdale Avenue due to its use of materials and excessive height which is of poor visual quality and commercial in nature, contrary to Core Strategy Policy CS28 ‘Sustainable Design’, Sites and Policies Document Policy SP55 ‘Design Principles’ and the provisions of the NPPF.”*

In the subsequent appeal the Planning Inspector noted, in part, *“that the area is characterised by residential properties primarily constructed from brick and tiled roofs....and that the garage is not visible from Swinston Hill Road but is highly prominent in the street scene of Birkdale Avenue. Due to the height of the garage, it appears as a large incongruous structure which sits uncomfortably between bungalows of 31 and 33 Birkdale Avenue.*

The garage’s steel sheet roof and blank walls with brick quoins are commercial in appearance and not in keeping with the palette of materials of nearby buildings, compromising the appearance of the neighbouring properties and the surrounding area.

It is acknowledged that a garage has been previously approved with similar design, siting, materials and location. However, whilst the footprint of the garage is reduced, it is higher than that granted permission. The additional height dominates the existing built form and allows for more of the steel sheet roofing to be visible, adversely affecting the character of Birkdale Avenue.

The garage is, and the carport would be, discordant buildings which harm the character and appearance of the area. The garage and carport fail to accord with Policy CS28 of the Rotherham Local Plan Core Strategy 2014 (CS), Policy SP55 of the Rotherham Local Plan Sites and Policies 2018 (SP) and the National Planning Policy Framework (the Framework) which seek development to be visually attractive and positively contribute to local character.”

The overall height of the garage is not proposed to be reduced as the front elevation, the highest point, is to remain the same height. The garage is to be reduced in size by taking down part of the existing building and re-locating the rear wall of proposed garage 1.276m away from the rear wall of the garage as existing on site. This moves the building further away from the boundary of the application site.

In relation to the proposed materials on submission the garage was proposed to have cream render walls with a metal cladding roof. As the Inspector previously noted the building materials in the area are predominately characterised by the use of bricks and roof tiles, and so these proposed materials were considered inappropriate. Through the

application process the applicant has amended the proposed materials and now proposes to clad the side and rear walls of the building in brick slips, and use brown double Roman roof tiles. These amended materials are considered to be domestic in nature and in keeping with the materials used in the surrounding area.

Objections have been received to the application in respect to the visual appearance of the building, its size, height, materials, commercial appearance and impact on the streetscene of Birkdale Avenue. However, when taking into consideration the proposed materials which are now domestic in appearance and in keeping with the surroundings; together with the amendments proposed to the garage to reduce the depth of the building, so moving the rear of the building further away from the boundary at the rear, it is considered that the impact of the proposed garage on the character and appearance of the of the area is sufficiently reduced to now make the scheme acceptable.

Taking the above into account, it is considered that the garage as proposed in this application would be acceptable and would not have a significant adverse impact on the character and appearance of the streetscene and the wider area in terms of design, scale and appearance. In this respect it considered that the proposal is in compliance with the relevant development plan policies and the NPPF.

Impact on amenity of neighbouring residents and residential amenity

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

The adopted IPG ‘Householder Design Guide’ states that in general the Council will take account of the orientation and position of neighbours’ windows in relation to extensions and they should not significantly reduce the amount of sunlight and / or daylight casting a shadow over private amenity space or entering the window of a habitable room. Furthermore, an extension should not have an overbearing effect on the neighbouring property or an unreasonable effect on its outlook.

The previously refused application contained the following reason for refusal – *“The garage, due to its height and location close to 33 Birkdale Avenue, is considered to have a detrimental impact on the residential amenity of the occupiers of this property, by virtue of its overdominant and overbearing presence on the internal and external living conditions of the occupiers therein, contrary to Core Strategy Policy CS28 ‘Sustainable Design’, Sites and Policies Document Policy SP55 ‘Design Principles’, guidance contained in the South Yorkshire Residential Design Guide and the provisions of the NPPF.”*

When the Planning Inspector dealt with the subsequent appeal he concluded that the garage as built on site does not have an overbearing effect on the outlook from the bedroom window of 33 Birkdale Avenue, and concluded that the proposal would not cause any material harm to the living conditions of the occupiers of the property due to any unduly overbearing effect.

This application seeks to move the garage further away from 33 Birkdale Avenue and taking this into account along with the comments from the Planning Inspectorate it is

considered that the proposal would not have an adverse impact on the residential amenity of the occupiers of 33 Birkdale Road, or any other adjacent properties.

The proposal is therefore considered to be acceptable in terms of amenity issues and in compliance with the relevant development plan policies and the NPPF.

Highway Safety

The Transportation Unit have no objections to the proposal, and it is considered to be acceptable from a highway safety aspect.

Other issues raised by objectors

An objection has been raised stating that some questions on the application form have not been answered correctly in relation to the building being visible from public land. Notwithstanding this the report takes into consideration and addresses the impact of the proposal on the streetscene of Birkdale Avenue.

Objections have been received about the visual appearance of the car port and the fact that it is not included in this application. The car port structure does not form part of this application and requires removal in accordance with the Enforcement Notice. The applicant's agent has stated that it has now been dismantled..

Queries have been raised about the land levels and if this is to be raised a further 300mm. The reference to the raising of the land levels in the description of the proposals relates to the rise that has already taken place, and the land level is not to be raised any further.

Objections have been received regarding the use of the garage and allegations made that it is being used for business use. This matter has been logged as a separate enforcement issue and is being investigated. This is not an issue to be considered as part of this application, however an informative could be attached at any permission granted advising that the building should only be used for purposes incidental to the enjoyment of the dwelling house and not for any trade or business use. The applicant has confirmed that the JCB is no longer stored at the site and is now housed in secure industrial storage elsewhere.

An objection has been received stating that the fence approved on the original application has not been provided and a condition was attached to the original permission requiring the fence to be provided, however this was primarily required along the boundary with 84 Swinston Hill Road as the proposal included an extension to the dwelling with side windows at ground floor level. The provision of a fence is not considered to be necessary as part of this proposal. The issue regarding the reinstatement of a fence that has been removed is a civil matter between the applicant and his neighbour.

Conclusion

It is considered that the alterations proposed to the garage as built on site sought in this application, along with the use of brick slips and brown roof tiles, would result in a form of development which would be in keeping with the residential character and appearance of the locality in terms of size and materials.

Whilst it will still be readily visible from Birkdale Avenue the proposal, which is to be reduced in depth and therefore moved further away from the boundary than the current building on site, would not have such a significant impact on the character and appearance of the streetscene as the previously refused proposal.

It is therefore considered that the proposal is acceptable and that it is consistent with the aims of Local Plan policies and those contained within the NPPF, and as such it is recommended that planning permission be granted conditionally.

Conditions

01

The works approved under this permission shall be carried out within 4 months of the date of this approval.

Reason

In the interests of the visual amenity of the area.

02

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

- Drawing numbers m/19/01 Rev h - general arrangement dated 09/09/2019 received 09/09/2019
- Drawing number m/19/02 Rev b - general arrangement dated 09/09/2019 received 09/09/2019

Reason

To define the permission and for the avoidance of doubt.

03

The external materials to be used in the side and rear walls of the garage hereby approved and the outside face of the retained former garage wall shall be Ibstock Red brick slips and the roof materials shall be brown Sandtoft Double Roman tiles.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Local Plan policies.

Informatives

01

The proposed building shall only be used for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for any trade or business purposes.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/0964
Proposal and Location	Single storey rear extension with roof lights and rear dormer windows at 20 Boyd Road, Wath upon Dearne
Recommendation	Grant Conditionally



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

Site Description & Location

The application site relates to No. 20 Boyd Road which is located within an established residential area in Wath upon Dearne where the adjacent neighbouring properties are similar in design, size and layout.

This property is a bungalow constructed in brick with a pitched roof. There is a detached garage in the rear garden with a drive leading to the front providing for off street parking.

Directly beyond the rear boundary is an area of open land containing the Yorkshire Water works.

Background

RB2018/0095 - Increase in roof height to create rooms in roof space with rear dormer windows and erection of single storey rear extension – refused for the following reason:

The Council considers the proposed rear dormer by virtue of its size creates a bulky unattractive addition to the dwelling harmful to its original character and would result in an unacceptable amount of overlooking and loss of privacy which would be detrimental to the amenities of the occupiers of the adjacent neighbouring properties. As such the proposal is contrary to the National Planning Policy Framework, Core Strategy CS28

‘Sustainable Design’ and the advice in the Interim Planning Guidance - ‘Householder Design Guide’.

Proposal

The application proposes a rear dormer window to provide a bedroom, bathroom and gym and incorporates a flat roof. Four window openings will be provided, one to the bedroom, bathroom, stairs and gym. The dormer window measures 2.35m in height, projects 3.75m from the ridge and 9.7m in width. The proposed single storey extension projects 4m beyond the original rear wall, is the full width of the bungalow and includes a flat roof with 2 lantern features.

Development Plan Allocation and Policy

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

The application site is allocated for residential use in the adopted local plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy
CS28 ‘Sustainable Design’

Sites and Policies policy
SP55 Design Principles

Other Material Considerations

Interim Planning Guidance - ‘Householder Design Guide’. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance ‘Housing Guidance 1 – Householder development’ of the UDP.

National Planning Policy Framework: It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

The Core Strategy/Sites and Policies Document policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of individual letters to adjacent neighbours. Six letters of objection and a petition containing 35 names have been received from neighbouring properties, which can be summarised as follows:

The large flat roof results in a bulky unattractive addition to the dwelling and which can be seen from numerous properties, being unsightly in the street and harmful to the character of the area

No inspections have been made by the Council to ensure compliance with Building Regulations.

The application is for a "Single storey rear extension with roof lights and rear dormer windows" This conversion is a flat roofed construction extending rear wards from the ridge the full length and width of the original footprint of the bungalow and therefore does not comply in anyway with the application.

The scope and extent of the upper rear extension cannot be described as a "dormer" extension. The upper rear extension has effectively created a flat-roofed detached house which is completely out of place on a road of bungalows all of whose aesthetics are congruent with one another.

As a result of the sheer size of the upper rear extension, which fills the entire roof space of the rear of the property, immediate neighbours have lost all privacy in back gardens.

Other bungalows on Boyd Road that have undergone modifications and extensions to their roof space to create an upper level dormer extension, have done so well within the scope of the existing sloping rear roof space and do not detrimentally affect the privacy of the occupiers at adjoining properties. Neither are they harmful to the original character and appearance of the property itself and to that of neighbouring properties.

The design of the rear flat-roofed upper extension, protruding from the roof ridge along the full length of the original bungalow, creates a bizarre, imbalanced and highly unattractive structure that is completely out of line with all other properties on the road.

If this extension is allowed to stand, this is going to put in place a dangerous precedent for all future property owners to completely flout the planning laws without any regard to other properties in the vicinity and the planning rules designed to safeguard the rights of homeowners

Consultations

No objections received

Appraisal

The site is allocated for residential use in the adopted Local Plan. Therefore matters to be considered as amounting to material considerations in the determination of this application include:

- The design with regard to the host dwelling and the street scene.
- Whether there are any neighbour amenity issues arising.

Design issues & impact on the streetscene

Core Strategy Policy CS28 – Sustainable Design states that: "Proposals for development should respect and enhance the distinctive features of Rotherham. They

should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.”

SP55 ‘Design Principles’ states: “All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings”.

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

Paragraph 130 goes on to state “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”

In summary, the objections that have been received suggest that the large flat roof of the proposed dormer window results in a bulky unattractive addition to the dwelling and which can be seen from numerous properties, being unsightly in the street and harmful to the character of the area. They go on to state that the upper rear extension has effectively created a flat-roofed detached house which is completely out of place on a road of bungalows all of whose aesthetics are congruent with one another. It is stated that other bungalows on Boyd Road have undergone modifications and extensions to their roof space to create an upper level dormer extension and have done so well within the scope of the existing sloping rear roofspace and are not harmful to the original character and appearance of the property itself and to that of neighbouring properties. Furthermore neighbours consider that the design of the rear flat-roofed upper extension, protruding from the roof ridge along the full length of the original bungalow, creates a bizarre, imbalanced and highly unattractive structure that is completely out of line with all other properties on the road.

An application for a similar scheme was submitted and subsequently refused by the Council (RB2018/0095) as it was considered that the proposal created a bulky unattractive addition to the dwelling which was harmful to its original character and created an unacceptable amount of overlooking.

Whilst the current proposal regarding the dormer is the same in terms of its width, projection from the ridge and its design, it is noted that that previous refusal included a proposed increase in roof height of the dwelling of 0.45metres. Whilst both the previous scheme and the current proposal show the dormer to be built up to the ridge height of the dwelling, the lower ridge height of the current proposal results in a dormer of a reduced height compared to that of the original scheme.

Dormer extensions can generally be built on rear elevations (subject to limitations) without planning permission, and in this case, the size and positioning of the dormer window would satisfy the limitations of permitted development and could therefore be built without planning permission. This is different to the previous refusal which intended to raise the height of the dwelling by 0.45m. However, as it was built at the same time as the rear extension the development has to be seen as a single entity and as the rear extension has eaves that exceed 3m in height (they are 3.05m) and which are higher than the eaves at the front then planning permission is required.

It is acknowledged that the dormer window results in a large addition to the dwelling, however it is situated on the rear elevation of the property and can only be seen fully from the rear gardens of the immediate neighbouring properties. As such it is not considered to be unsightly in the street or harmful to the character of the area with only limited views of it being offered from the wider area. Whilst the upper rear extension has effectively created a flat-roofed detached house this is only on the rear of the property and would not appear any differently to a dormer built up to the ridge height under permitted development. Had the dormer been built as a separate structure to the rear extension this could have been done without planning permission as it would have been permitted development. This fall back position which would have allowed a dormer window of the same size as that currently being considered is therefore a material consideration.

Therefore, when considering the fall back position under permitted development and the reduced height of the ridge compared to that of the previous application the proposal is considered acceptable in terms of its design and impact on the street scene.

In terms of the rear ground floor extension the Council's IPG "Householder Design Guide" states that: "Single storey rear extensions are generally an acceptable feature on domestic properties and the current permitted development rights allow for some extensions to be constructed without planning permission. Single storey rear extensions, on or close to a boundary, should project no more than 4m from a neighbouring property's existing rear elevation." In addition to this, and again under permitted development, a single storey rear extension of 4m in depth can be added without planning permission to a detached house subject to certain limitations.

In this case the rear ground floor extension extends 4m from the rear elevation but has eaves greater than 3m (3.05) and which are higher than the eaves at the front of the property. As such, it does require planning permission but due to the limited projection from the rear elevation is not considered to impact on the amenity of the immediate neighbouring properties. The proposal is of a high quality design and is considered proportionate in scale, and sits well in terms of its size, scale, mass, volume, height, orientation, form of the surrounding development.

Having regard to all of the above both the proposed dormer and rear extension are considered in accordance with Local Plan Policies SP55 'Design Principles' and CS28 'Sustainable Design', paragraph 127 of the NPPF the Council's IPG 'Householder Design Guide'

Impact on neighbouring amenity

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

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

Neighbouring concerns have been received that as a result of the sheer size of the dormer window, all privacy has been lost in their back gardens. The proposal features 3 double opening windows and a single opening window to the rear elevation. The window closest no. 22 serves a proposed gym whilst the window closest no. 18 serves a proposed bedroom. Both of these windows offer a limited view into the rear gardens of the neighbouring properties and could result in a loss of amenity by way of overlooking to those properties. However, it is considered that the imposition of a planning condition requiring the use of obscure glazing in these windows (along with obscure glazing in the proposed bathroom window) would overcome these objections.

As such, with the imposition of the above condition, the development would meet the requirements of Policy SP55 of the Sites and Policies Document and the NPPF.

Other matters raised:

Neighbours have also raised the following concerns:

No inspections have been made by the Council to ensure compliance with Building Regulations. – This would not be a material planning consideration. However, the Councils Building Control Team currently have a full plans application for the works and have confirmed the development has been inspected. .

The application is for a "Single storey rear extension with roof lights and rear dormer windows" This conversion is a flat roofed construction extending rear wards from the ridge the full length and width of the original footprint of the bungalow and therefore does not comply in anyway with the application. – It is considered that that the application description accurately reflects the proposal, furthermore the submitted plans also accurately reflect the proposal as built.

If this extension is allowed to stand, this is going to put in place a dangerous precedent for all future property owners to completely flout the planning laws – It is acknowledged that the development commenced without planning permission, but the applicant had taken advice and was under the impression that the works that they had undertaken were permitted development and did not require planning permission. Any future development within the neighbouring vicinity would be considered on its own merits and could be subject to enforcement action if unauthorised.

Conclusion

Having regard to the above considerations, the single storey rear extension with roof lights and rear dormer window at 20 Boyd Road is considered to be in accordance with the Local Plan and the NPPF and it is recommended that planning permission be granted.

Conditions

01

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

Site, location, existing and proposed plan received 19th June 2019

Reason

To define the permission and for the avoidance of doubt.

02

The outer panes of glass on the windows serving the bedroom and gym (highlighted in yellow on the site, location, existing and proposed elevations and floor plan received 10th September 2019) shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing. The window(s) 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

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

Application Number	RB2019/1019
Proposal and Location	Change of use to mixed use (comprising of teaching, performance and learning spaces, café, retail and associated office (use class Sui Generis)) with internal alterations, extract flue, fence (1.8m high), gate (2.5m high) and freestanding canopy to front with associated landscaping at Talbot Lane Methodist Church, Moorgate Street, Rotherham Town Centre
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 sited within the Rotherham town centre within an open civic square opposite the Town Hall on Moorgate Street.

The building is a 1903 Grade II listed Gothic revival building of thinly-coursed sandstone, ashlar dressing and spire with a graduated slate roof.

Its principle entrances are from Talbot Lane with paired doorways housed in gable projection 'flanked by pinnacle buttresses with granite colonnettes to pointed arches.' There is an additional entrance located on the south return. Historically this entrance provided access to the associated Sunday School.

Internally, much of its original features remain. The plan form of the nave conforms to the 'auditory plan' which enables the congregation to hear and see the preachers regardless of where they are seated. It consists of 4 bays with aisles, transepts and a raked gallery to three sides on cast iron columns as well as an apsidal chancel. The galleries are accessible via staircases found at near each corner of the nave.

There are coved ceilings to the side galleries, Art Nouveau radiators and chandeliers, its original organ, oak font, pulpit and pews as well as oak fitting to the chancel and oak traceries panels to the rear of the choir stall. There are numerous meeting and storage rooms within the basement with 2 Art Nouveau fireplaces in the meeting room below the chancel. There is stained glass to the majority of windows with the altar window by S. Evans of Smethick (1903).

There was a contemporary (to the Church) Sunday School located to the immediate south of the Church however this was demolished in the late 20th century and replaced with the current car park. Historically, the Church was accessed via stepped entrance behind a low boundary wall from Talbot Lane. The stone steps remain with handrails and a ramped access introduced to the Church principal entrance in the early 2000s.

The site levels fall considerably towards the west, forming an accessible lower ground floor storey at the rear of the building. The western boundary to the rear of the site is a stone retaining wall elevated approximately 3 – 4 metres above the vacant plots and open car parks of the sites beyond.

Vehicular access is taken from Moorgate Street to a small car park. The building to the south is the Eric Manns Building, housing Youth, a support network for young people. North and south boundaries are defined by the proximity of the adjacent properties. The building to the north is a three storey commercial building.

Background

There have been three previous applications submitted in relation to this property:

RB2002/1543 – Demolition of existing community building and provision of new car parking area, and erection of fence and boundary wall – Granted conditionally – 05/12/2002

RB2002/1576 – Change of use of church to crèche, community café, church offices and resource centre – Granted conditionally – 05/06/2003

RB2002/1577 – Formation of porch and access ramps – Granted conditionally – 05/06/2003

It is also of note that there is a related Listed Building Consent application for the same proposal (ref: RB2019/1021).

Proposal

The application is for the change of use to mixed use (comprising of teaching, performance and learning spaces, café, retail and associated office (use class Sui Generis)) with internal alterations, extract flue, fence (1.8m high), gate (2.5m high) and freestanding canopy to front with associated landscaping.

The primary use will deliver educational workshops by the applicant, with supplementary office space, café and retail components, with internal alterations. Associated external works are also proposed in the form of a fence, gate and a freestanding canopy, all at the front of the site. In addition, an extract flue is proposed on the northern elevation of the building. The specific uses are as follows:

- Lower ground floor will consist of 75sq.m of education space as well as approximately 60sq.m of office space.
- Ground floor will consist of approximately 155sq.m of retail and café space and approximately 130sq.m of flexible activity space.
- The first floor will consist of three large classrooms / workshop spaces.

The ground floor has been designed to flexibly allow for the full extent of the floor plan to be made available to cater for additional community events and fundraising events.

Internal works proposed are detailed below:

- Existing pews re-used and incorporated into the interior café and open space on the ground floor.
- The subdivision of the nave including:
 - The introduction of an additional floor and resulting flooring over sections of the raked galleries
- The removal of the font, which is free standing and not subject to listed building control
- The introduction of a lift and 'beanstalk' slide from first floor to ground floor.
- Obscure secondary glazing

In addition to the above the following will be incorporated into the use:

- It is proposed that the timber and panelling will be retained in situ where possible and a portion of the pews will be retained.
- The organ will be retained in situ.
- The pulpit shall remain unaffected.
- The Chancel is proposed to act as a stage and will remain largely unaltered.
- The Art Nouveau electroliers (which is a fixture, usually pendent from the ceiling, for holding electric lamps.) will be retained and the proposed spaces below are designed to incorporate and celebrate them.
- The introduced structure and resultant intervening forms are intended to respond to the arches and segmentation of the coved ceilings and designed to reflect Art Nouveau detailing
- Where possible, the formation of new spaces are kept away from the external walls to minimise the impact against the existing fabric.
- New internal walls will be constructed using lightweight construction which can be disassembled in future without significant harm to the fabric.
- The basement will remain largely unaltered
- Where practical, the underside of the raked ceiling to the underside of the raked galleries is retained and visible from the ground floor
- The back 3 rows of pews have been retained in the larger of the three classrooms

The boundary treatment and gates would fit between the existing stone wall and columns at the front of the site.

The external free standing canopy would be approximately 4m high, constructed using a metal frame painted in a dark grey. The roof of the canopy would be solid and under

drawn with cedar boarding with grey single ply roof membrane on-top. It would be of an Art Nouveau design and would stand away from the building.

The applicant has stated that:

“Dwindling attendances to the Methodist church ultimately led to the church closing its doors with a final service taking place on July 14 2019. With the pressure that many churches in the UK are under to stay open, (especially those in a town centre location where relatively few people live locally), many of these important buildings are being converted in the interest of sustaining the fabric of the building with mixed degrees of success. The applicant is conscious of the need for an appropriate new use for this listed building and that the unique architectural style can be seen as a celebrated asset to help promote the unique branding of Grimm & Co. as can be evidenced from their existing premises on the corner of Doncaster Gate and Wellgate, a high level of aesthetic quality is paramount to the applicant’s business model.”

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

Design and Access Statement

The statement demonstrates the analysis, objectives, design development and resulting detailed proposals.

Heritage Statement

The statement provides details of the buildings listing, its history and how the proposed development will impact upon this heritage asset.

Sequential Test

The Sequential Test has been prepared to assess whether there are sequentially preferable sites within the town centre to accommodate the proposed use.

Bat Survey

The survey was commissioned in order to look for evidence of bats and assess the suitability for roosting of bats.

Supporting Statement

In response to the letters of objection received the applicant has provided the statement which is summarised below:

“I would like to acknowledge the comments made by observers – some of whom have offered support within their observation, others have noted concerns for War Memorials and further items of significance. I would like to attempt to put minds to rest in that Grimm & Co will do our very best to work with Rotherham Civic Society and the appointed Conservation Officer to ensure we are able to find the best solution possible to any concerns. Our charity is very rooted in community and understands the importance of identity and heritage, whilst attempting to ensure we can also be as inclusive as possible to all members of the community. We believe the benefit to Rotherham, its reputation, its community and its next generation is timely and also far

outweighs the impact of the scheme, which we will work on to reduce any negative impact on the building. Grimm & Co is already working with over 3,600 children and young people per year and expect to be able to increase this as we have a waiting list for our provision that we are not currently able to service. The scheme will also enable us to undertake more intensive work with vulnerable children and young people and to widen this to families and older members of the community. This scheme will also provide an exciting new story destination for the town that celebrates reading and writing and will bring much needed positive publicity, helping to change perceptions of Rotherham to that of truly being a child friendly borough. Lastly, our community will have a resource to be proud of, providing a level of ownership and value. So, I hope all observers can feel reassured that we will do all that we can to preserve the building's history wherever possible. However, inevitably, in order to be able to offer teaching and learning, and to make sure we are able to make everyone welcome, we will need to make changes.

The architects have explored ways of protecting the main features and re-using materials whilst improving the repair of the building and its systems, such as repairs needed to the roof and the heating, so that the Rotherham skyline does not lose an important building through decay and neglect. The designs proposed for the external element of the building do not impact on the fabric of the building as they are free standing. Halliday and Clarke have designed a look that extends the features of the building's façade, offers shelter to the front of the building and allows for additional use of the building by the community, bringing the services into the square. Many might already know that this area around the building has a poor reputation for disruption of an evening that has caused damage to the building and surrounding area on many occasions. Grimm & Co will need to ensure we can secure the frontage and perimeters, so we would need to make this a major consideration, whilst being aesthetically pleasing and in keeping to the building without causing any damage. I am sure people will also have noticed the bad state of repair around the building's frontage (railings, crumbling steps, concrete filled in areas) in its current state. We are proposing to improve this and provide ways of using this part of the building that has a lovely aspect within that square – potentially changing the reputation and use of that area over time and providing an exciting gateway to the town.

I have great empathy for the majority of those who have objected on the basis of their disappointment at losing a church in which they have worshipped for many years. It must have been heartbreaking to realise that this church was no longer sustainable and would have to go onto the market to be sold. However, maintaining as a church does not seem a viable option and its sale looks inevitable so I do hope that objectors can be soothed by the knowledge that Grimm & Co's intentions are honourable, charitable, altruistic and progressive. I also hope that you can see that this potential prospect for the church would be far better than the outcomes of many other buildings such as this that have not had such a potential offer and as such have suffered a terrible fate of immediate deterioration leading to decline, decay and eventual ruin. You will know that the roof is in need of considerable repair and without this intervention the weather will inevitably find its way through.

After much searching this is truly the best, and most appropriate building we could find on offer by far within the town. We are doing our very best to keep Grimm & Co in the heart of Rotherham, allowing the positivity of Rotherham's young generations to shine through the negative force field on the town. This is a great opportunity to create a world class visitor centre that our communities can be proud of but we will need to make

the changes necessary to enable this to happen. We hope we can work with everyone for a positive outcome for all."

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 Mixed Use purposes in the Local Plan, and also falls within the Rotherham Town Centre Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS12 'Managing Change in Rotherham's Retail and Service Centres'
CS23 'Valuing the Historic Environment'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'
CS31 'Mixed Use Areas'
SP23 'Out-of-Centre Retail Parks and Other Out of Centre Developments'
SP40 'Listed Buildings'
SP41 'Conservation Areas'
SP52 'Pollution Control'
SP55 'Design Principles'
SP65 'Development Within Mixed Use Areas'

Other Material Considerations

National Planning Practice Guidance (NPPG)

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

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

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 24 letters of representation have been received, 10 in support and 14 objecting.

The issues raised by the objectors are summarised below:

- The proposal does not fit in with any of the surrounding commercial area.
- The Primark building is larger than this building and the remodelling of the Primark building would enhance High Street further. Dismissing any other

buildings in Rotherham Town centre on the basis of cost, conversion, and transport difficulties is spurious to say the least.

- The public bus service which stops outside Talbot Lane would not be suitable for children to alight and ascend from a hired coach, with no nearby coach parking. The High Street however would allow children to use the public bus service from school (or private hired coach) as the Town centre is pedestrianised all the way from the bus station to the High Street.
- The proposed plans would almost completely obliterate the external character of the Talbot Lane building.
- Concerns over the use of first floor by children in respect of Fire Regulations.
- There is particular concern about the lack of detail concerning the 'refurbishment and secondary glazing'.
- The proposals are not sympathetic to the building and would destroy its Listing.
- The steel canopy will change the front of the church which detracts from the style of the building.
- The internal alterations will result in losing the majesty and atmosphere which is valued by the Listing. This will destroy the largest auditorium in the whole of Rotherham.
- The proposed use of such a historical and heritage building is not appropriate as a Witchcraft and Magic theme park.
- Concerned about the future of the war memorials that are in situ.
- The building should continue to be used as a place of worship.
- There are more suitable uses for the building.
- This building is to be so drastically modified; it will mean that no one will ever again see this place at its best. Surely this historic building deserves to be preserved, for the future, in a way that allows people to appreciate the craftsmanship that has gone into producing this central landmark.
- The building should be protected from unnecessary development.
- The proposal cannot be at the expense of culturally and historically important buildings.
- The building should not be allowed to be spoilt by the Pergola entrance.
- Concerned about the impressive interior of the building being too drastically changed. The War Memorials and any other important items must be protected at all costs.

The reasons for supporting the application are summarised below, these have been received from local residents as well as the current Reverend:

- A worthy use of a building that would otherwise be left to deteriorate.
- Great for the Town, great for children.
- This project will mean the old building will be brought to life.
- It will be full of children learning how to read.
- I am delighted to see how imaginatively creative, while sensitively beautiful these plans are.
- If the building was lost to the town centre and the Church was left unoccupied the outlook could indeed be grim.
- The proposal will benefit the local community and ensure the long term survival of the building.

- This represents an acceptable opportunity for Grimm & Co. to expand its premises and offer increased opportunity for hundreds of the town's younger generation.
- It would be sensible to encourage such supervised activities in a Listed Building facing the Town Hall within a Conservative Area, rather than have an unattractive and neglected eyesore in such a prominent place. It would be a very positive advertisement for Rotherham.
- Whilst sad that the building is no longer going to be used for worship I am glad that it will continue to play an important role in the development of Rotherham and give opportunities for our young people to learn from stories. Grimm and Co. is an amazing charity.

7 Right to Speak requests have been received from the applicant, a supporter and 5 objectors of the proposal.

Consultations

RMBC – Transportation Infrastructure Service: No objections.

RMBC – Conservation (Consultant): Has indicated that the proposals will result in some harm to the listed building but this will be less than substantial.

RMBC – Drainage: No objections.

RMBC – Environmental Health: No objections.

RMBC – Ecologist: No objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Design considerations
- Impact on Heritage Assets
- General amenity

Principle

The site is allocated for Mixed Use in the Local Plan (MU10) with policy SP65 'Development within Mixed Use Areas' identifying appropriate uses as C2 (Residential Institutions), C3 (Dwellinghouses) and D1 (Non-residential institutions).

The proposal is 'sui generis' (does not fall within any specific Use Class – due the mix of uses proposed) and as such is not identified as an appropriate use in the Mixed Use menu. However, policy SP65 also indicates that where other uses not identified as acceptable are proposed within Mixed Use Areas, they will be considered on their merit.

Whilst described as 'sui generis' the teaching, performance and learning elements of the proposal fall within D1 use class and therefore would be acceptable in this location. The supporting office floorspace is considered to be of a scale to be considered ancillary to this main use.

Although allocated for Mixed Use, the former church site is a community use, and therefore policies CS29 'Community and Social Facilities' and SP62 'Safeguarding Community Facilities' are relevant considerations.

Policy CS29 supports the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency. Policy SP62 goes on to identify that land or buildings currently used or last used for community purposes, but not identified as such on the Policies Map, will be similarly safeguarded.

Grimm & Co. are a registered charity and they provide free creative writing workshops for children and young people, and the café / retail element only consists of around 12% of the overall floorspace to be provided. As such it is considered that the main use can be considered a community facility, as the definition of community uses at paragraph 4.371 of the Sites and Policies document includes arts and cultural facilities and also education facilities.

It is therefore considered that having regard to the above the proposed development complies with policies CS29 'Community and Social Facilities' and SP62 'Safeguarding Community Facilities'.

The café (use class A3) and retail (use class A1) are main town centre uses subject to the sequential test requirements of the NPPF and policy CS12 'Managing Change in Rotherham's Retail and Service Centres'. The applicant has submitted sequential test evidence. The Council are satisfied that as the site is in an edge of centre location the assessment is limited to Rotherham town centre, and that premises within primary shopping frontages have been excluded as the proposed development includes D1 uses which are not identified as acceptable in primary shopping frontages as set out in policy SP20 'Primary Shopping Frontages'. The recommendation from an objector that the vacant Primark building on High Street is more appropriate is noted, but the reasons for discounting this site and others in the town centre have been accepted.

In respect of the sequential test and the additional information submitted it is considered that there are no sequentially preferable sites within the town centre to accommodate the proposed development given the floorspace requirements.

Accordingly, the proposed development would satisfy the requirements of the NPPF and policy CS12 'Managing Change in Rotherham's Retail and Service Centres'.

Design considerations

The NPPF at paragraph 124 states: *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 127 of the NPPF states planning decisions should ensure that developments add to the overall quality of the area are visually attractive as a result of good architecture and are sympathetic to the local character.

Policy CS28 'Sustainable Design' states design should take all opportunities to improve the character and quality of an area and the way it functions. Policy SP55 'Design Principles' adds that all forms of development are required to be of a high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area.

The external free standing canopy has been sized to fit proportionally with the façade of the building, and is approximately 4m high, and will have a more urban presence in the large openness of the Civic Square.

The canopy is of an Art Nouveau architectural detailing which is from around the same time as the Church. The structure will be lightweight, allowing views through to the building, and is not fixed to the building.

The canopy is considered to be of a size, scale, form and design that would raise no design issues and would not adversely affect the visual amenity of the streetscene and wider civic square. Furthermore, the proposed railings and gates to the front boundary are also considered acceptable.

Ductwork from the extract canopy in the kitchen shall exit via the external elevation of the building facing the car park and shall rise external to the building to discharge via an exhaust terminal.

It is therefore considered that from a design perspective the canopy and front boundary treatment would comply with the requirements of Local Plan policies and NPPF paragraphs referred to above. The impact on the Conservation Area and Listed Building itself will now be considered.

Impact on Heritage Assets

The building is a Grade II listed building, as such, Listed Building Policy applies which is contained within the Listed Building and Conservation Areas Act 1990 (as amended) s16 (2) which states that the local planning authority shall have *"special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

The site is also within Rotherham Town Centre Conservation Area therefore conservation area policy found in s.72 of the Listed Building and Conservation Areas

Act applies – which set out the duty of the Planning Authority to preserve or enhance the special architectural or historic character of the conservation area.

Paragraph 192 of the NPPF states in determining applications consideration should be had to the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 to 202 sets out what should be considered when assessing the potential impacts of a proposal on heritage assets.

Policy CS23 'Valuing the Historic Environment' states Rotherham's historic environment will be conserved, enhanced and managed, in accordance with several principles. One of which states: *"The character and setting of Rotherham Minster...will be conserved and enhanced. Proposals will be supported which respect and enhance key views and vistas..."*

Policy SP40 'Listed Buildings' states development affect a listed building's setting will be considered against a number of principles, one of which states: *"...the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable..."*

Policy SP41 'Conservation Areas' states developments are required to ensure the preservation or enhancement of the special character or appearance of the Conservation Area or its setting.

It is widely recognised that the best method of ensuring the conservation of a listed building, including churches, is by ensuring that it remains in an active use. It is also acknowledged that with churches, the degree of intervention necessary to facilitate a sustainable change of use will, more often than not, cause an element of harm to its significance. It is therefore imperative to ensure that the level of harm required to facilitate a change of use is the minimum necessary and that nothing of historic or architectural value is irretrievably lost without due justification.

The current proposals by Grimm & Co. largely retain the basement area unaltered however substantial changes are proposed within the main church body itself. This includes but is not limited to:

- The removal of some pews,
- The subdivision of the nave, including the introduction of an additional floor and resulting flooring over of sections of the raked galleries
- The introduction of a lift and beanstalk slide,

In addition, there are changes proposed within its forecourt in the form of a fixed canopy and new railings/gates.

The Church

A significant positive associated with the proposed use of the building by the charity Grimm & Co. is that it will ensure the continued community use of the building. As previously mentioned, the basement will remain largely unaltered and this is entirely welcomed. In respect of the main floor of the church, the retention of a large central space within the nave and the concentration of the subdivisions away from the main space; the retention of the raked ceiling to the underside of the galleries; the use of the

chancel as a stage which allows it to remain effectively unaltered; the retention of the organ in situ; the appreciation of the height of the original space achieved by the proposed 'balcony' feature; and the proposed location of the lift which minimise the extent of intervention required, are all welcomed.

Objectors note that the war memorial is to be removed, though it is not fixed to the stone but is on a wooden plaque and it is the intention that this be relocated to another Methodist Church in Rotherham and Dearne Valley. Objectors also refer to the sets of memorial windows, though these will remain in situ and will be visible for all time during Grimm & Co's occupation. These windows will be excluded from any reference to conceal them with secondary glazing.

The Council's Conservation Consultant originally stated that: *"whilst the need to introduce subdivision of the space both in terms of the new floor and the new rooms at ground level is fully appreciated, these changes will harm the significance of the listed building and the acceptability of this harm will need to be assessed against securing a viable long term use for the listed building. To that end...where there is any opportunity to reduce the extent of intervention required, that this option is explored. For example, it would seem that the 'balcony' feature could be enlarged to allow a greater appreciation of the original transepts and nave height and we ask that this occurs as there is no justifiable reason for it not to occur. The reversibility of the proposed subdivisions is welcomed."*

The applicant after discussions have submitted amended internal plans which now show the retention of more pews, the retention of the pulpit and the balcony being cut back further.

The Council's Conservation Consultant has indicated that the introduction of double height space by cutting back the balcony is acceptable and the retention of the pulpit and more pews is also welcomed.

It is recognised that the extract flue will require a degree of intervention to the built fabric but it will not unduly harm the significance of the Listed Building. It is also recognised that there is a need for extracts and vents, and whilst there are no objections in principle a condition should be appended to any approval to request full details of their final appearance including material and colour.

Forecourt

Whilst it is fully appreciated that there is a stylised aesthetic associated with Grimm & Co. and the work that they do, the Conservation Consultant has indicated that there are conservation concerns that some elements of the options being explored will cause undue harm to not only the setting of the listed building but also to the character and appearance of the civic square within Moorgate conservation area.

Consequently, the Conservation Consultant has stated whilst there is no objection in principle to the proposed new railings, the proposed fixed canopy and levelling out of the forecourt are particularly concerning. Level access is already achievable to the church without losing the original steps and the proposed fixed canopy is an alien feature on ecclesiastical buildings which will detract from the architectural significance and prominence of the church's principle elevation. Both aspects of these proposals

are therefore difficult to support from a conservation perspective and should be reconsidered.

In response to the aforementioned comments the applicant has indicated that: *“the Canopy is designed to be free standing and not fixed to the building at all. In this way it is demountable, so that it represents no long term harm to the building.”* The applicant further states in respect of the canopy that: *“Its provision however is vital to Grimm & Co’s operational requirements. The aesthetic is purposefully to draw attention away from the Religious typography of the building, to be a ‘welcome everyone’ building ensure that its fully inclusive regardless of creed or culture. The canopy in conjunction with this solution provides a change to the frontage without physically impacting the building at all.”*

With regard to the existing level access the applicant states: *“We recognise that the building has an existing level access, but there are a number of issues with this. The door widths are inadequate; the approach through the doors requires a 45 degree change in direction through a small lobby to another inadequately sized door which is very taxing for modern sized wheelchairs and their carers. As the design & Access statement seeks to demonstrate, the strength of Grimm & Cos brand and their life changing charity is very much focused on the experience for all visitors to be fully immersed in the wonder of their visit from the moment they arrive. The existing level access represents an exclusive experience within this context. Your comments make reference to losing the original steps which isn’t the case, the present day street view demonstrates that there are two sets of steps from the street, the main set, are NOT in their originally historical position and have been previously rebuilt in a position closer to the street. As a result these have created a safer landing directly in front of the entrance doors and consequentially the 2nd entrance door is now far less used, if at all given its lack of handrails. We are not proposing to remove any of the steps, but move the steps closer to the street on both doors to further enhance the usability of the congregation area in front of the building.”*

The Council’s Conservation Consultant has indicated that, in terms of the conservation concerns expressed regarding the proposed external alterations, the assessment from a conservation perspective cannot be altered because it will harm the setting of the Listed Building from a strictly conservation perspective. However, this will need to be balanced against wider considerations that are outside of conservation.

It is considered that notwithstanding the comments above and whilst it is acknowledged that the work to the forecourt, in particular the canopy and boundary treatment, would impact on the listed building, the boundary treatment and canopy would enhance the visual amenity of the civic square. Furthermore, the canopy would be a lightweight structure that would still allow views through to the listed building and can be removed in the future should Grimm & Co. vacate the space for any reason. In addition, the changes to the access would allow better access for all and the proposal would generate employment opportunities and continue to provide a community use. It is therefore considered that on balance the wider benefits of the proposal slightly outweigh the identified harm in respect of the external works.

Level of Harm

In respect of the above it is considered that even with the concerns raised, the Council’s Conservation Consultant has indicated that the level of harm associated with the

proposed intervention required by this change of use would represent that of less than substantial harm. Consequently, any proposed works would need to address the requirements of paragraph 196 of the NPPF, which states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

Public Benefit

It is considered that there are a number of public benefits to this scheme that would outweigh the less than substantial harm. These include:

- Dwindling attendances at the Church have led to it closing, if closed for a substantial period of time it would result in the building falling into disrepair. This use will ensure that the building remains in community use and will ensure that it remains used, so that it doesn't fall into disrepair which ultimately has heritage benefits.
- Alternative uses of the building will inevitably result in significant impact on its internal configuration and layout, and in a loss of a significant element of its internal features, as it is of a specific design and layout that is not suitable for other uses.
- As an Arts Council England National Portfolio Organisation, Grimm & Co are strategically important to Rotherham: as well as contributing to local cultural development, they give Rotherham a voice and a profile at a national level, influencing policy and practice in their field and within the education sector.
- Grimm & Co promotes Rotherham through regular lectures and positive news stories at national and international conferences about Rotherham and through a range of other platforms.
- Grimm & Co have attracted frequent interest from significant national stakeholders, including the Under Secretary of State for Education, Lord Agnew and Oxford Professor of Economics and award winning international author, Sir Paul Collier – who exemplified Grimm & Co as a model of excellence in his latest book, 'The Future of Capitalism'.
- Grimm & Co have featured in national and internal press publications and won local and national awards which play an important role in transforming perceptions of the Borough.
- Grimm & Co have educated and engaged with over 9,000 children.
- As a town centre-based cultural enterprise, Grimm & Co have an important role in the delivery of a strong and distinctive cultural offer within the town centre, recognised as essential to the delivery of the Town Centre Masterplan in contributing to increased footfall within the town and supporting other businesses, such as retail.

In light of the above it is considered that there are significant public benefits to this proposal that would outweigh the less than substantial harm.

Having regard to the above it is considered that for the reasons set out, the proposed development would have a less than substantial harm on the Grade II Listed Building and the setting of Rotherham Town Centre Conservation Area, but there are significant public benefits to developing this site that would outweigh this harm. Therefore, the scheme would comply with relevant paragraphs of the NPPF and Local Plan policies.

General Amenity

Policy CS27 'Community Health and Safety' states, in part, that: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimise health inequalities."* It further states: *"Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development."*

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

Paragraph 127(f) of the NPPF states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

It is considered that given the proposed use of the building, it's siting within a commercial area and its distance from neighbouring residential properties within Moorgate Street, it would not give rise to any issues in respect of disamenity, through noise, general disturbance or odour.

Furthermore, the only built form would be the standalone fixed canopy that would not impinge on any outlook from close by residential properties, given its size, scale, form, design and siting.

Accordingly, it is considered that the proposal would comply with Local Plan policies CS27 'Community Health and Safety' and SP52 'Pollution Control' and paragraph 127(f) of the NPPF.

Other Considerations

The issues raised by the objectors to the scheme have been noted and considered in the determination of this application. However, for the reasons set out above the issues raised are not considered sufficient to warrant a refusal of the application as the proposed development would comply with the requirements of relevant paragraphs of the NPPF and policies of Rotherham's adopted Local Plan.

The highway safety issues raised in respect of the bus stop are not something that the proposed development can control. The bus stop outside the site is well established and well used by public transport buses entering the town centre. The bus stop is on the same side of the street as the application site and this part of Moorgate Street is one way and therefore there would be no requirement for visitors to cross the road. It is also of note that this part of Moorgate Street is within a 20mph zone and has an open feel with good visibility; accordingly the crossing of the road in this area should not be an issue.

Safety issues raised in respect of fire regulations and using the new first floor are noted but these are issues that would be covered under Building Regulations and Health and Safety Regulations.

In respect of the issue that the building should remain as a place of worship, it is noted that the applicant has stated that:

“Dwindling attendances to the Methodist church ultimately led to the church closing its doors with a final service taking place on July 14 2019. With the pressure that many churches in the UK are under to stay open, (especially those in a town centre location where relatively few people live locally), many of these important buildings are being converted in the interest of sustaining the fabric of the building with mixed degrees of success. The applicant is conscious of the need for an appropriate new use for this listed building and that the unique architectural style can be seen as a celebrated asset to help promote the unique branding of Grimm & Co. as can be evidenced from their existing premises on the corner of Doncaster Gate and Wellgate, a high level of aesthetic quality is paramount to the applicant’s business model.”

The aforementioned has been corroborated by the Reverend of Talbot Lane.

Conclusion

It is concluded that the proposed development would ensure that this Listed Building remains in community use and avoids the building laying empty, potentially falling into disrepair. The proposal would have some harm on the Heritage Assets though this would be ‘less than substantial’ and it is considered that the public benefits outweigh the harm in this instance. In addition, the scheme satisfies all other material planning considerations.

Therefore, with regard to the above the proposal complies with the requirements of the Council’s adopted Local Plan policies and provisions of NPPF paragraphs outlined above. Accordingly, the application is recommended for approval subject to conditions.

Conditions

01

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

Reason

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

02

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

856.01(--)010, received 28 June 2019

856.01(--)001 rev B, received 16 August 2019

856.01(--)005, received 28 June 2019

856.01(--)006 rev A, received 8 August 2019

856.01(--)007, received 28 June 2019

Reason

To define the permission and for the avoidance of doubt.

03

The external canopy shall not be constructed until details of the materials to be used in its construction have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

04

The ornate gates/fencing at the front of the site shall not be erected until details of their design and the materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

In the interests of the visual amenity of the area.

05

Prior to its installation details of the proposed extraction flue shall be submitted to and approved in writing by the Local Planning Authority, this shall include full details of its final appearance including material and colour. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and to respect the Heritage Asset.

Informatives

01

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.

02

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

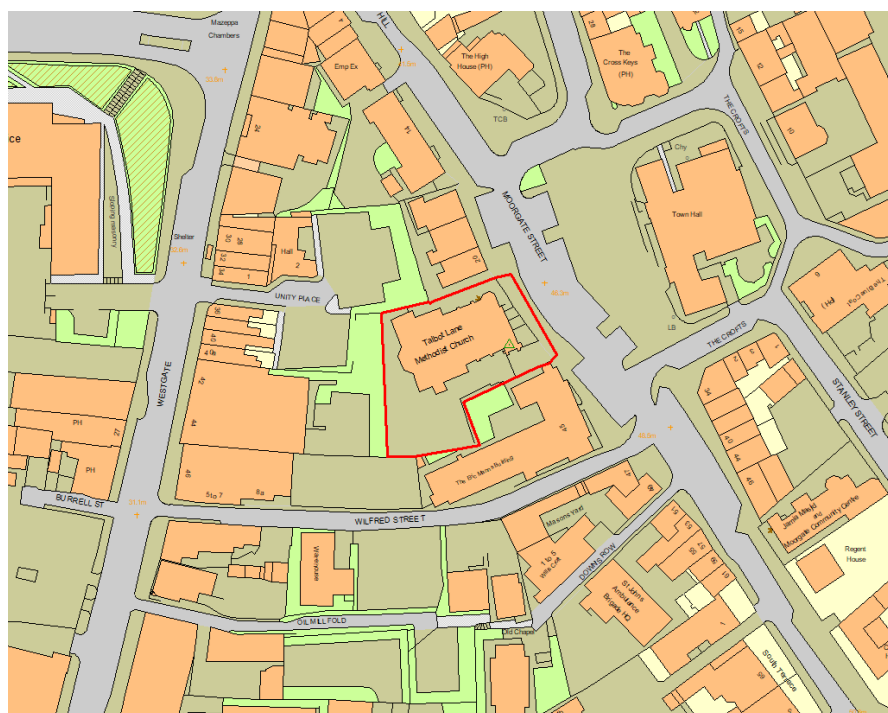
Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may

cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/1021
Proposal and Location	Listed Building Consent for change of use to mixed use (comprising of teaching, performance and learning spaces, café, retail and associated office (use class Sui Generis)) with internal alterations, and extraction flue, at Talbot Lane Methodist Church, Moorgate Street, Rotherham Town Centre
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 sited within the Rotherham town centre within an open civic square opposite the Town Hall on Moorgate Street.

The building is a 1903 Grade II listed Gothic revival building of thinly-coursed sandstone, ashlar dressing and spire with a graduated slate roof.

Its principle entrances are from Talbot Lane with paired doorways housed in gable projection 'flanked by pinnacle buttresses with granite colonnettes to pointed arches.' There is an additional entrance located on the south return. Historically this entrance provided access to the associated Sunday School

Internally, much of its original features remain. The plan form of the nave conforms to the 'auditory plan' which enables the congregation to hear and see the preachers regardless of where they are seated. It consists of 4 bays with aisles, transepts and a raked gallery to three sides on cast iron columns as well as an apsidal chancel. The galleries are accessible via staircases found at near each corner of the nave.

There are coved ceilings to the side galleries, Art Nouveau radiators and chandeliers, its original organ, oak font, pulpit and pews as well as oak fitting to the chancel and oak traceries panels to the rear of the choir stall. There are numerous meeting and storage rooms within the basement with 2 Art Nouveau fireplaces in the meeting room below the chancel. There is stained glass to the majority of windows with the altar window by S. Evans of Smethick (1903).

There was a contemporary (to the Church) Sunday School located to the immediate south of the Church however this was demolished in the late 20th century and replaced with the current car park. Historically, the Church was accessed via stepped entrance behind a low boundary wall from Talbot Lane. The stone steps remain with handrails and a ramped access introduced to the Church principal entrance in the early 2000s.

The site levels fall considerably towards the west, forming an accessible lower ground floor storey at the rear of the building. The western boundary to the rear of the site is a stone retaining wall elevated approximately 3 – 4 metres above the vacant plots and open car parks of the sites beyond.

Vehicular access is taken from Moorgate Street to a small car park. The building to the south is the Eric Manns Building, housing Youth, a support network for young people. North and south boundaries are defined by the proximity of the adjacent properties. The building to the north is a three storey commercial building.

Background

There have been three previous applications submitted in relation to this property:

RB2002/1543 – Demolition of existing community building and provision of new car parking area, and erection of fence and boundary wall – Granted conditionally – 05/12/2002

RB2002/1576 – Change of use of church to crèche, community café, church offices and resource centre – Granted conditionally – 05/06/2003

RB2002/1577 – Formation of porch and access ramps – Granted conditionally – 05/06/2003

It is also of note that there is a related planning application for the same proposal (ref: RB2019/1019).

Proposal

The application is for the change of use to mixed use (comprising of teaching, performance and learning spaces, café, retail and associated office (use class Sui Generis)) with internal alterations and extraction flue.

The primary use will deliver educational workshops by the applicant, with supplementary office space, café and retail components, with internal alterations. Associated external works are also proposed in the form of a fence, gate and a freestanding canopy, all at the front of the site. In addition, an extract flue is proposed on the northern elevation of the building. The specific uses are as follows:

- Lower ground floor will consist of 75sq.m of education space as well as approximately 60sq.m of office space.
- Ground floor will consist of approximately 155sq.m of retail and café space and approximately 130sq.m of flexible activity space.
- The first floor will consist of three large classrooms / workshop spaces.

The ground floor has been designed to flexibly allow for the full extent of the floor plan to be made available to cater for additional community events and fundraising events.

Internal works proposed are detailed below:

- Existing pews re-used and incorporated into the interior café and open space on the ground floor.
- The subdivision of the nave including:
 - The introduction of an additional floor and resulting flooring over sections of the raked galleries
- The removal of the font, which is free standing and not subject to listed building control
- The introduction of a lift and beanstalk slide from first floor to ground floor.
- Obscure secondary glazing

In addition to the above the following will be incorporated into the use:

- It is proposed that the timber and panelling will be retained in situ where possible and a portion of the pews will be retained.
- The organ will be retained in situ
- The pulpit shall remain unaffected.
- The Chancel is proposed to act as a stage and will remain largely unaltered.

- The Art Nouveau electroliers (which is a fixture, usually pendent from the ceiling, for holding electric lamps.) will be retained and the proposed spaces below are designed to incorporate and celebrate them.
- The introduced structure and resultant intervening forms are intended to respond to the arches and segmentation of the coved ceilings and designed to reflect Art Nouveau detailing
- Where possible, the formation of new spaces is kept away from the external walls to minimise the impact against the existing fabric.
- New internal walls will be constructed using lightweight construction which can be disassembled in future without significant harm to the fabric.
- The basement will remain largely unaltered
- Where practical, the underside of the raked ceiling to the underside of the raked galleries is retained and visible from the ground floor
- The back 3 rows of pews have been retained in the larger of the three classrooms

The applicant has stated that:

“Dwindling attendances to the Methodist church ultimately led to the church closing its doors with a final service taking place on July 14 2019. With the pressure that many churches in the UK are under to stay open, (especially those in a town centre location where relatively few people live locally), many of these important buildings are being converted in the interest of sustaining the fabric of the building with mixed degrees of success. The applicant is conscious of the need for an appropriate new use for this listed building and that the unique architectural style can be seen as a celebrated asset to help promote the unique branding of Grimm & Co. as can be evidenced from their existing premises on the corner of Doncaster Gate and Wellgate, a high level of aesthetic quality is paramount to the applicant’s business model.”

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

Heritage Statement

The statement provides details of the buildings listing, its history and how the proposed development will impact upon this heritage asset.

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 proposal relates to a Grade II listed building and the application site falls within the Rotherham Town Centre Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS23 ‘Valuing the Historic Environment’
 SP40 ‘Listed Buildings’
 SP41 ‘Conservation Areas’

Other Material Considerations

National Planning Practice Guidance (NPPG).

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

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

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 24 letters of representation have been received, 10 in support and 14 objecting.

In respect of the impact of the proposals on the Listed Building the issues raised by the objectors are summarised below:

- The proposal does not fit in with any of the surrounding commercial area.
- The proposed plans would almost completely obliterate the external character of the Talbot Lane building.
- There is particular concern about the lack of detail concerning the 'refurbishment and secondary glazing.
- The proposals are not sympathetic to the building and would destroy its Listing.
- The steel canopy will change the front of the church which detracts from the style of the building.
- The internal alterations will result in losing the majesty and atmosphere which is valued by the Listing. This will destroy the largest auditorium in the whole of Rotherham.
- Concerned about the future of the war memorials that are in situ.
- This building is to be so drastically modified; it will mean that no one will ever again see this place at its best. Surely this historic building deserves to be preserved, for the future, in a way that allows people to appreciate the craftsmanship that has gone into producing this central landmark.
- The building should be protected from unnecessary development.
- The proposal cannot be at the expense of culturally and historically important buildings.
- The building should not be allowed to be spoilt by the Pergola entrance.
- Concerned about the impressive interior of the building being too drastically changed. The War Memorials and any other important items must be protected at all costs.

The reasons for supporting the application are summarised below, these have been received from local residents as well as the current Reverend:

- A worthy use of a building that would be otherwise be left to deteriorate.
- This project will mean the old building will be brought to life.
- I am delighted to see how imaginatively creative, while sensitively beautiful these plans are.
- If the building was lost to the town centre and the Church was left unoccupied the outlook could indeed be grim.
- The proposal will benefit the local community and ensure the long term survival of the building.
- It would be sensible to encourage such supervised activities in a Listed Building facing the Town Hall within a Conservative Area, rather than have an unattractive and neglected eyesore in such a prominent place. It would be a very positive advertisement for Rotherham.
- Whilst sad that the building is no longer going to be used for worship I am glad that it will continue to play an important role in the development of Rotherham and give opportunities for our young people to learn from stories. Grimm and Co. is an amazing charity.

7 Right to Speak requests have been received from the applicant, a supporter and 5 objectors of the proposal.

Consultations

RMBC – Conservation (Consultant): Has indicated that the proposals will result in some harm to the listed building but this will be less than substantial.

Appraisal

The building is a Grade II listed building, as such, Listed Building Policy applies which is contained within the Listed Building and Conservation Areas Act 1990 (as amended) s16(2) which states that the local planning authority shall have *“special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

The site is also within Rotherham Town Centre Conservation Area therefore conservation area policy found in s.72 of the Listed Building and Conservation Areas Act applies – which set out the duty of the Planning Authority to preserve or enhance the special architectural or historic character of the conservation area.

Paragraph 192 of the NPPF states in determining applications consideration should be had to the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 to 202 sets out what should be considered when assessing the potential impacts of a proposal on heritage assets.

Policy CS23 ‘Valuing the Historic Environment’ states Rotherham’s historic environment will be conserved, enhanced and managed, in accordance with several principles. One of which states: *“The character and setting of Rotherham Minster...will be conserved and enhanced. Proposals will be supported which respect and enhance key views and vistas...”*

Policy SP40 ‘Listed Buildings’ states development affect a listed building’s setting will be considered against a number of principles, one of which states: *“...the Council*

encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable...”

Policy SP41 ‘Conservation Areas’ states developments are required to ensure the preservation or enhancement of the special character or appearance of the Conservation Area or its setting.

It is widely recognised that the best method of ensuring the conservation of a listed building, including churches, is by ensuring that it remains in an active use. It is also acknowledged that with churches, the degree of intervention necessary to facilitate a sustainable change of use will, more often than not, cause an element of harm to its significance. It is therefore imperative to ensure that the level of harm required to facilitate a change of use is the minimum necessary and that nothing of historic or architectural value is irretrievably lost without due justification.

The current proposals by Grimm & Co. largely retain the basement area unaltered however substantial changes are proposed within the main church body itself. This includes but is not limited to:

- The removal of some pews,
- The subdivision of the nave, including the introduction of an additional floor and resulting flooring over of sections of the raked galleries
The introduction of a lift and beanstalk slide

In addition, there are changes proposed within its forecourt in the form of a fixed canopy and new railings/gates which don’t require Listed Building Consent due to the canopy not being fixed to the Listed Building and the boundary wall not falling within the Listing for the Church.

The Church

A significant positive associated with the proposed use of the building by the charity Grimm & Co. is that it will ensure the continued community use of the building. As previously mentioned, the basement will remain largely unaltered and this is entirely welcomed. In respect of the main floor of the church, the retention of a large central space within the nave and the concentration of the subdivisions away from the main space; the retention of the raked ceiling to the underside of the galleries; the use of the chancel as a stage which allows it to remain effectively unaltered; the retention of the organ in situ; the appreciation of the height of the original space achieved by the proposed ‘balcony’ feature; and the proposed location of the lift which minimise the extent of intervention required, are all welcomed.

Objectors note that the war memorial is to be removed, though it is not fixed to the stone but is on a wooden plaque and it is the intention that this be relocated to another Methodist Church in Rotherham and Dearne Valley. Objectors also refer to the sets of memorial windows, though these will remain in situ and will be visible for all time during Grimm & Co’s occupation. These windows will be excluded from any reference to conceal them with secondary glazing.

The Council’s Conservation Consultant originally stated that: *“whilst the need to introduce subdivision of the space both in terms of the new floor and the new rooms at*

ground level is fully appreciated, these changes will harm the significance of the listed building and the acceptability of this harm will need to be assessed against securing a viable long term use for the listed building. To that end...where there is any opportunity to reduce the extent of intervention required, that this option is explored. For example, it would seem that the 'balcony' feature could be enlarged to allow a greater appreciation of the original transepts and nave height and we ask that this occurs as there is no justifiable reason for it not to occur. The reversibility of the proposed subdivisions is welcomed."

The applicant after discussions have submitted amended internal plans which now show the retention of more pews, the retention of the pulpit and the balcony being cut back further.

The Council's Conservation Consultant has indicated that the introduction of double height space by cutting back the balcony is acceptable and the retention of the pulpit and more pews is also welcomed.

It is recognised that the extract flue will require a degree of intervention to the built fabric but it will not unduly harm the significance of the Listed Building. It is also recognised that there is a need for extracts and vents, and whilst there are no objections in principle a condition should be appended to any approval to request full details of their final appearance including material and colour.

Forecourt

Whilst it is fully appreciated that there is a stylised aesthetic associated with Grimm & Co. and the work that they do, the Conservation Consultant has indicated that there are conservation concerns that some elements of the options being explored will cause undue harm to not only the setting of the listed building but also to the character and appearance of the civic square within Moorgate conservation area.

Consequently, the Conservation Consultant has stated whilst there is no objection in principle to the proposed new railings, the proposed fixed canopy and levelling out of the forecourt are particularly concerning. Level access is already achievable to the church without losing the original steps and the proposed fixed canopy is an alien feature on ecclesiastical buildings which will detract from the architectural significance and prominence of the church's principle elevation. Both aspects of these proposals are therefore difficult to support from a conservation perspective and should be reconsidered.

In response to the aforementioned comments the applicant has indicated that: *"the Canopy is designed to be free standing and not fixed to the building at all. In this way it is demountable, so that it represents no long term harm to the building."* The applicant further states in respect of the canopy that: *"Its provision however is vital to Grimm & Co's operational requirements. The aesthetic is purposefully to draw attention away from the Religious typography of the building, to be a 'welcome everyone' building ensure that it's fully inclusive regardless of creed or culture. The canopy in conjunction with this solution provides a change to the frontage without physically impacting the building at all."*

With regard to the existing level access the applicant states: *"We recognise that the building has an existing level access, but there are a number of issues with this. The*

door widths are inadequate; the approach through the doors requires a 45 degree change in direction through a small lobby to another inadequately sized door which is very taxing for modern sized wheelchairs and their carers. As the design & Access statement seeks to demonstrate, the strength of Grimm & Cos brand and their life changing charity is very much focused on the experience for all visitors to be fully immersed in the wonder of their visit from the moment they arrive. The existing level access represents an exclusive experience within this context. Your comments make reference to losing the original steps which isn't the case, the attached present day street view demonstrates that there are two sets of steps from the street, the main set, are NOT in their originally historical position and have been previously rebuilt in a position closer to the street. As a result these have created a safer landing directly in front of the entrance doors and consequentially the 2nd entrance door is now far less used, if at all given its lack of handrails. We are not proposing to remove any of the steps, but move the steps closer to the street on both doors to further enhance the usability of the congregation area in front of the building."

The Council's Conservation Consultant has indicated that in terms of the conservation concerns expressed regarding the proposed external alterations, that assessment from a conservation perspective can't be altered because it will harm the setting of the listed building from a strictly conservation perspective. However, this will need to be balanced against wider considerations that are outside of conservation.

It is considered that notwithstanding the comments above and whilst it is acknowledged that the work to the forecourt, in particular the canopy and boundary treatment would impact on the listed building, the boundary treatment and canopy would enhance the visual amenity of the civic square. Furthermore, the canopy would be a lightweight structure that would still allow views through to the listed building and can be removed in the future should Grimm & Co. vacate the space for any reason. In addition, the changes to the access would allow better access for all and the proposal would generate employment opportunities and continue to provide a community use. It is therefore considered that on balance the wider benefits of the proposal slightly outweigh the identified harm in respect of the external works.

Level of Harm

In respect of the above it is considered that even with the concerns raised, the Council's Conservation Consultant has indicated that the level of harm associated with the proposed intervention required by this change of use would represent that of less than substantial harm. Consequently, any proposed works would need to address the requirements of paragraph 196 of the NPPF, which states: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Public Benefit

It is considered that there are a number of public benefits to this scheme that would outweigh the less than substantial harm. These include:

- Dwindling attendances at the Church have led to it closing, if closed for a substantial period of time it would result in the building falling into disrepair. This use will ensure that the building remains in community use and will ensure that it

remains used, so that it doesn't fall into disrepair which ultimately has heritage benefits.

- Alternative uses of the building will inevitably result in significant impact on its internal configuration and layout, and in a loss of a significant element of its internal features, as it is of a specific design and layout that is not suitable for other uses.
- As an Arts Council England National Portfolio Organisation, Grimm & Co are strategically important to Rotherham: as well as contributing to local cultural development, they give Rotherham a voice and a profile at a national level, influencing policy and practice in their field and within the education sector.
- Grimm & Co promotes Rotherham through regular lectures and positive news stories at national and international conferences about Rotherham and through a range of other platforms.
- Grimm & Co have attracted frequent interest from significant national stakeholders, including the Under Secretary of State for Education, Lord Agnew and Oxford Professor of Economics and award winning international author, Sir Paul Collier – who exemplified Grimm & Co as a model of excellence in his latest book, 'The Future of Capitalism'.
- Grimm & Co have featured in national and internal press publications and won local and national awards which play an important role in transforming perceptions of the Borough.
- Grimm & Co have educated and engaged with over 9,000 children.
- As a town centre-based cultural enterprise, Grimm & Co have an important role in the delivery of a strong and distinctive cultural offer within the town centre, recognised as essential to the delivery of the Town Centre Masterplan in contributing to increased footfall within the town and supporting other businesses, such as retail.

In light of the above it is considered that there are significant public benefits to this proposal that would outweigh the less than substantial harm.

Having regard to the above it is considered that for the reasons set out, the proposed development would have a less than substantial harm on the Grade II Listed Building and the setting of Rotherham Town Centre Conservation Area, but there are significant public benefits to developing this site that would outweigh this harm. Therefore, the scheme would comply with relevant paragraphs of the NPPF and Local Plan policies.

Conclusion

It is concluded that the proposed development would ensure that this listed building remains in community use and avoids the building laying empty, potentially falling into disrepair. The proposal would have some harm on the Heritage Assets though this would be 'less than substantial' and it is considered that the public benefits outweigh the harm in this instance.

Therefore, with regard to the above the proposal complies with the requirements of the Council's adopted Local Plan policies and provisions of NPPF paragraphs outlined above. Accordingly, the application is recommended for approval subject to conditions.

Conditions

01

The works to which this consent relates shall be commenced before the expiration of three years from the date of this consent.

Reason

In order to comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02

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

856.01(--)010, received 28 June 2019

856.01(--)001 rev B, received 16 August 2019

856.01(--)005, received 28 June 2019

856.01(--)006 rev A, received 8 August 2019

856.01(--)007, received 28 June 2019

Reason

To define the permission and for the avoidance of doubt.

03

After the works granted under this consent are completed, any damage caused to the building by the works shall be made good to the satisfaction of the Local Planning Authority.

Reason

The Council wishes to ensure that any damage caused to the heritage asset by the works covered under this consent are made good to the satisfaction of Local Planning Authority as provided for under section 17 (1) (b) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended).

04

All new partitions, floors and other elements of construction shall be offset from features of significance and shall not cut through such features. Working drawings of these details shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of these aspects of works.

Reason

The Council wishes to ensure that the works are satisfactory to protect the significance of the heritage asset as provided for under section 17 (2) and in accordance with section 16 (2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended).

05

Notwithstanding the indicative detail shown on the approved drawings, a schedule of all new windows, secondary glazing and doors to the original building, including cross sectional drawings at 1:5 scale (or similar), shall be submitted for written approval by the Local Planning Authority prior to the implementation of works. This shall include all security measures, sill, lintel, jamb, reveal details and final paint colour. The works shall be carried out in accordance with the approved details.

Reason

The Council wishes to ensure that the works are satisfactory to protect the significance of the heritage asset as provided for under section 17 (2) and in accordance with section 16 (2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended).

06

Notwithstanding the indicative detail on the approved drawings, details of the extent of pew removal and the proposed relocation of those retained to the ground floor shall be submitted to the Local Planning Authority and these aspects of the proposals shall be approved in writing prior to any removal or relocation of the ground floor pews.

Reason

The Council wishes to ensure that the works are satisfactory to protect the significance of the heritage asset as provided for under section 17 (2) and in accordance with section 16 (2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended).

07

Notwithstanding any indicative details on the approved drawings, prior to implementation, working drawings or product specification of the following shall be submitted to and approved by the Local Planning Authority:

1. Details of any new rain water goods including hoppers and down pipes, which for the avoidance of doubt shall be of metal and painted black. Furthermore, any rain-water goods of significance and in a repairable condition shall be retained;
2. Details of the proposed flue, extract vents and
3. Details of the route and location of all new soil and water pipes.

The scheme shall be implemented in accordance with the approved details and completed to the satisfaction of the local planning authority.

Reason

The Council wishes to ensure that the works are satisfactory to protect the significance of the heritage asset as provided for under section 17 (2) and in accordance with section 16 (2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended).

Application Number	RB2019/1038
Proposal and Location	Subdivision and change of use of ground floor into coffee shop (A1/A3) to rear and a restaurant with hot food takeaway (A3/A5) to front and upper floor into studio apartment, demolish front extension and create shop fronts at 186 Bawtry Road, Wickersley
Recommendation	Grant subject to conditions



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

Site Description & Location

The site to which this application relates comprises of an existing building which is mainly single storey, with a small first floor element central to the building. The building is constructed from brick and has a commercial appearance. It is located across Fairways to the west of the Tanyard shopping centre and fronts Bawtry Road, with the Seven Seas fish and chip restaurant located adjacent to the south west. The site also includes a small yard area to the rear of the building.

Background

The proposal is a variation from recent planning approvals:

- RB2018/0087 Demolition of existing 1st storey, erection of new 1st & 2nd storeys to create 4 No. apartments and subdivision of ground floor to create shop and café – Granted conditionally by Planning Board
- RB2019/0495 Change of use of ground floor to café (Use Class A3) and upper floor into studio apartment (Use Class C3), demolish front extension and create shop fronts – Granted conditionally

Proposal

This is a full application for the change of use of the existing first floor to create an apartment and the subdivision of the ground floor to create two mixed used units and the provision of new shopfronts on the front and side elevations. The proposal also includes a car parking area to the rear for 4 cars, with a bin and cycle storage area.

The ground floor is to be separated into two units, one A3/A5 unit 198.2sqm in size, and one A1/A3 unit 142sqm in size.

The application has been amended to include the provision of an extraction system which would be fitted internally.

A plan has been submitted showing the reinstating of the kerbline to Bawtry Road; the provision of bollards on Bawtry Road / Fairways frontage to prevent indiscriminate vehicular parking / manoeuvring and the provision of cycle stands in the vicinity of the entrance to the building to promote sustainable travel.

Development Plan Allocation and Policy

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

The application site is allocated for Retail (District Centre) Use in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan Policies

CS12 Managing Change in Rotherham's Retail and Service Centres
CS14 Accessible Places and Managing Demand for Travel
CS27 Community Health and Safety
CS28 Sustainable Design
SP19 Development within Town, District and Local Centres
SP22 Hot Foot Takeaways
SP26 Sustainable Transport for Development
SP52 Pollution Control
SP55 Design Principles
SP59 Shop Front Design

Joint Waste Plan (2012) policy(s)

WCS7 Managing Waste in All Developments

Other Material Considerations

South Yorkshire Residential Design Guide

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

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

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

Publicity

The application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 2 letters of representations were received to the original application, including one from Wickersley Parish Council which included a petition. The main points raised by the original representations are as follows:

- The noise, rubbish and volume of cars are already bad in the area and adding the proposed uses would worsen the situation
- The proposed studio flat would overlook the gardens of neighbouring properties
- The hot food takeaway would have negative impact on the amenity of residents living close to the property by general disturbance and encourage customers to park outside the premises on the very busy Bawtry Road

At the time of writing this report 2 right to speak requests from applicant's agent and Wickersley Parish Council had been received.

Consultations

RMBC (Planning Policy) – Raise no objection to the proposed development subject to conditions.

RMBC (Environmental Health) - Raise no objections to the proposed development provided that details of extraction system and sound insulation are provided.

RMBC (Transportation Infrastructure Service) – Raise no objections to the proposed development 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:

- 1) Principle of development
- 2) The character and appearance of the host property and its setting in the streetscene
- 3) Impact on amenity
- 4) Highway issues

Principle of development

Policy CS12 'Managing Change in Rotherham's Retail and Service Centres', informs that Wickersley is classified as a District Centre, with the on-going strategy being to maintain the range of retail and service provision, and to improve the convenience retail provision.

The site is located within a wider allocation for Wickersley District Centre wherein Policy SP19 'Development within Town, District and Local Centres' states in part that: *"Within Town, District and Local shopping centres but outside of Main Shopping Areas, development proposals for the following uses will be acceptable in principle subject to meeting the requirements of other relevant planning policies:*

- a. A1 shops
- c. A3 restaurants and cafes
- e. A5 hot food takeaways
- j. C3 dwelling houses

Explanatory note 4.89 states that policy SP19 "recognises the role that housing can play in supporting the vitality and viability of centres by supporting residential proposals within centres. Whilst acknowledging that residential uses within centres may be subject to levels of noise and activity not experienced in traditional housing areas, the Council will seek to ensure the amenity of residents; for example through mitigation measures such as sound proofing. Housing will be limited to above ground floor level within Main Shopping Areas, recognising the importance of these areas as the focus for shopping facilities. This also recognises the need to support mixed use development within centres, with active uses at ground floor level. Therefore housing proposals in Main Shopping Areas will only be supported where the development would not compromise the successful operation of the ground floor premises for commercial uses".

Policy SP22 'Hot Food Takeaways' sets the parameters for such uses and states they will be permitted where they:

- 'a. would not result in more than 10% of the ground floor units within a defined town or district centre being hot food takeaways; ...and
- c. would not result in more than two A5 units being located adjacent to each other...'

The proposed hot food takeaway would not be adjacent to another A5 use and the most recent monitoring data indicates that the proposal would not result in more than 10% of the ground floor units in the district centre being used as hot food takeaways and as such this proposal is in compliance with the aforementioned policy.

Policy CS 12 Managing Change in Rotherham's Retail and Service Centres also states that proposals will be expected to demonstrate how they contribute towards the strategy for each centre. In the case of Wickersley, this is to maintain the range of retail and service provision and improve convenience retail provision. It is considered that the

proposal will comply with this strategy, bringing a vacant unit back into use in this instance.

It is therefore considered that the proposal is acceptable in principle on this site and is in compliance with the relevant Local Plan Policies.

The character and appearance of the host property and its setting in the streetscene

Policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham and should take all opportunities to improve the character and quality of an area and the way it functions.

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

Policy SP59 'Shop Front Design', states 'the Council will seek the highest standards in the control of shop frontage by requiring new or replacement shop fronts to be designed so that:

- a. they respect the character of the whole building and the overall character of the street scene;
- b. they respect the period and style of the building in terms of proportion and quality of materials and relate well to neighbouring properties;
- c. the use of transparent glazing is maximised on all windows and doors, including upper floors where they are in use;
- 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 with 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 NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or styles in plans or supplementary planning documents."

Bearing in mind that the proposed shop front is of a similar appearance to the previous approval, it is therefore considered that the proposed shopfront would enhance the appearance of the building and the wider street-scene and is in accordance with the relevant Local Plan Policies.

Impact on amenity

Paragraph 127(f) of the NPPF states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

Policy CS27 'Community Health and Safety' states in part that: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities."* It further states that: *"Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments."*

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

It is noted that the proposal is located adjacent to an existing fish and chip restaurant which has air conditioning units, refrigeration equipment and extraction and filtration apparatus on its rear elevation close to the proposed apartment on the first floor. In this respect, the Council's Environmental Health Section has commented that the flat should include noise insulation to a suitable level to protect the future amenity of any residents.

It is further considered that there is a significant distance between the existing windows and the adjacent residential private amenity space such that the proposed apartment would not result in any adverse impact on the residential amenity by way of overlooking.

It is therefore considered the development complies with the requirements of the relevant Local Plan Policies.

Highway issues

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

a. *Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.*

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

Policy SP26 'Sustainable Transport for development' states, in part, that *"Development proposals will be supported where it can be demonstrated that:*

- a. *as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*

- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;*
- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access."*

The applicant has previously submitted a Transport Statement which concludes that the site is in an accessible location for walking, cycling and for public transport use, and is well located for residents/employees to travel by sustainable modes of transport. It also notes that there are 4 car parking spaces and cycle parking provision and that servicing of the units will continue in the same way that the unit has always been serviced. The applicant has also submitted a plan, which shows some alterations to the existing highway which have been requested by the Transportation Infrastructure Service to mitigate any impact of the development on nearby streets. These measures include reinstating the kerbline to Bawtry Road; the provision of bollards on Bawtry Road/Fairways frontage to prevent indiscriminate vehicular parking/manoeuvring, and the provision of cycle stands in the vicinity of the entrance to the building to promote sustainable travel.

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

Conclusion

Having regard to the above it is concluded that the proposed development represents an acceptable form of development in this locality that will be in keeping with its character and appearance and would not adversely affect the amenity of neighbouring residents or highway users. Accordingly, for the reasons outlined in this report the development would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions.

Conditions

01

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

Reason

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

02

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

- 19-0060 PL01 Proposed Floor Plan, Location Plan (Received 09.07.2019)

- 19-0060 PL02 rev C Existing and Proposed Elevations 1-100 A1 (Received 23.08.2019)
- 19-0060 PL03 rev A Existing and Proposed Sections 1-100 A1 (Received 23.08.2019)

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place until details of the materials to be used in the construction of the external surfaces of the development and details of the roller shutters hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with the Local Plan.

04

The use hereby permitted shall only be open to customers or for deliveries between the hours of 0700 - 2300.

Reason

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

05

Before the development is brought into use, details of the proposed alterations in the highway at Fairways and Bawtry Road, indicated on plan reference BWRBWB-GEN-XX-DR-TR-100 S2 revision P2, have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interest of highway safety.

06

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.

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.

07

Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

08

Before the development is brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

09

Before the development is brought into use, details of a suitable sound insulation scheme between the ground floor units and first floor residential flat shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be undertaken prior to the development is brought into use and shall be permanently maintained.

Reason

To protect any future occupiers of the proposed studio flat from any unwanted impact or airborne noise.

10

Before the development is brought into use, details of the fire retardant measures to the ground floor ceiling rooms shall be submitted to the LPA for prior approval. Thereafter the approved details shall be installed prior to the use hereby permitted coming into operation. Thereafter, the approved details shall be permanently maintained.

Reason

To protect any future occupiers of the studio flat from the risk of fire.

11

Prior to any above ground development taking place, no noise generating plant including mechanical ventilation or refrigeration/air conditioning extraction plant/chillers shall be installed in any part of the development until full and precise details of the locations have been submitted to and approved in writing by the LPA. The details shall include a BS4142 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures.

Reason

To protect any future occupiers from any unwanted noise

12

All cooking fumes shall be exhausted from the building via a suitable extraction and/or filtration system. This shall include discharges at a point not less than one metre above

the highest point of the ridge of the building or any such position as may be agreed in writing by the Local Planning Authority prior to the above ground development taking place. The extraction/filtration system shall be maintained and operated in accordance with the manufacturer's specifications, and control odour in the neighbourhood details of which shall be submitted to and approved by the Local Planning Authority prior to installation and it shall thereafter be operated effectively during cooking.

Reason

To protect any future occupiers of any unwanted odour.

13

Detailed plans of the bin and cycle stores to the rear of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the building is brought into use.

Reason

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

Informatives

01

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

02

Some of the works will require an Agreement under S278 Highways Act, 1980 and involve the provision of bollards, cycle parking and the reinstatement of part of the kerbline fronting Bawtry Road.

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.

04

Whilst the property does not lie within the flood plain as shown on the Environment Agency's Indicative Flood Plain Maps it is noted that the site is within an area that has historically flooded in the past. It is important that all proposed extensions must be designed and constructed, to protect and safeguard against all possible risks from flooding. Further guidance on how properties may be protected against possible flooding problems can be found on the Environment Agency's web site. In all events the proposed development must not divert or create or cause additional flood water problems to any adjacent or neighbouring land.

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.