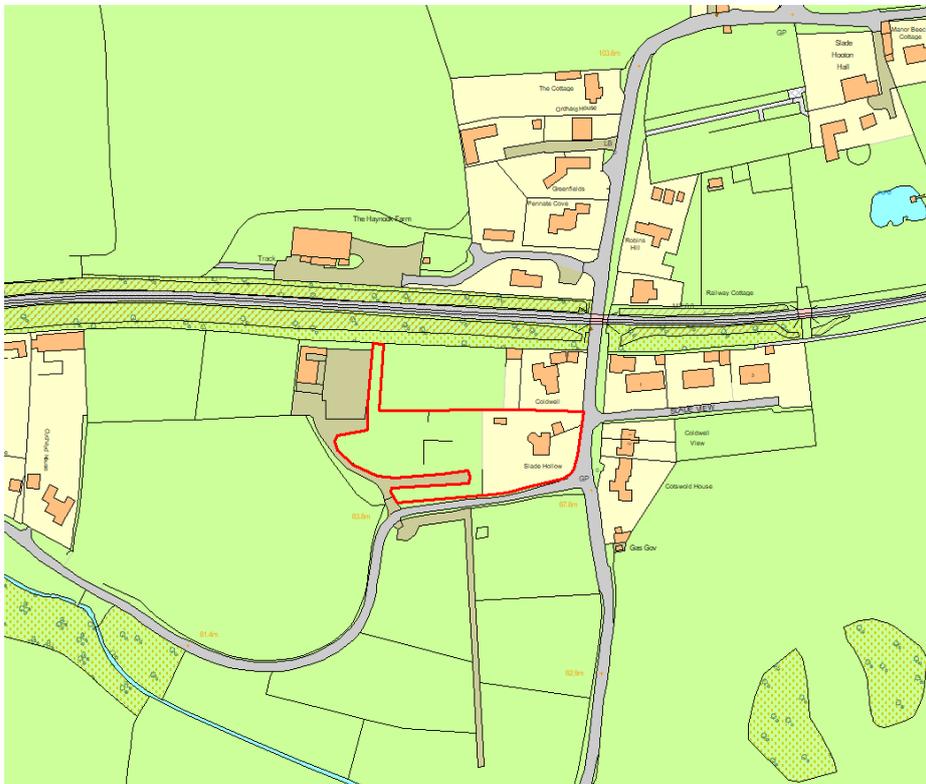


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 25 April 2024**

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	RB2023/0964 https://rotherham.planportal.co.uk/?id=RB2023/0964
Proposal and Location	Change of use of dwelling from residential (Use Class C3) to children's home for up to 3 children (Use Class C2), including use of existing rear garage as ancillary caretakers accommodation and erection of fence railings and gates and alterations to stone pillars at Slade Hollow Hooton Lane Laughton en le Morthen Rotherham S25 1YQ
Recommendation	<p>(A) That a Section 106 agreement be signed requiring the use of the caretakers house to be restricted to a use ancillary to the proposed care home and at no time to be used as a separate dwelling</p> <p>(B) That subject to the signing of the Section 106 agreement, planning permission be Granted with conditions</p>

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



Site Description & Location

The application relates to an existing two-storey detached dwelling located on a corner plot in a residential area 'washed over' by the Green Belt on the outskirts of Slade Hooton village at Laughton en le Morthen. The property has had a number of additions including a rear conservatory, detached garage, detached outbuilding and the erection of a boundary fence and gates around the boundary of the whole site.

The property is set within a large private garden with a hardstanding to the front and side of the dwelling and vehicular access off Hooton Lane to the front. Access is also provided to the rear detached garage from the highway to the side of the dwelling where there is also access to separate stables located on land to the rear of the site.

Background

There have been various application relating to this site.

RB1985/1033	Bedroom extension and alterations – Granted
RB2006/0237	Single storey side extension – Refused
RB2022/1603	Application for Lawful Development Certificate re existing garage and outbuilding/gym – Granted

The detached garage for which the LDC was granted is not in the exact location as shown on the plans submitted with that application however it has been assessed and is still considered to be lawful under the permitted development legislation as set out in The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Recent applications relating to adjacent land to the rear include:

RB2023/0026	Erection of 2No. holiday lodges with new pond and landscaping (land to rear of site) – Refused
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RB2023/0098	Erection of stable block (land to rear of site) – Granted.
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Proposal

This application seeks full planning permission for the change of use of the property from a dwellinghouse (Use Class C3) to a children's home (Use Class C2) for up to 3 children. The submitted information indicates that the children will be aged from 10 to 17 years and will have special needs including autism. They will live there on a permanent basis and will attend schools in the local area.

There will be three staff on duty during the day and two at night (one on waking night duty, the other sleeping). The staff work long days 0800hrs to 2000hrs and there are two change overs, one in the morning and the other in the evening.

Some external changes to the property have already taken place without planning permission, including the erection of high close boarded fencing and gates to the boundary of the site and a hardstanding to the front. This application seeks to approve that work (with amendments to make it acceptable) in conjunction with the change of use.

Additionally, the existing detached garage to the rear (for which the LDC was granted) is proposed to be converted for the use of a resident caretaker to maintain the house and grounds and assist as required. The applicants have submitted a statement in support of this requirement which states that:

- This is essential for the ongoing maintenance and security of the home to provide a safe and nurturing environment.
- The caretaker is unable to reside within the existing house as any guests of the caretaker would need to be DBS checked as per the regulations governing children's homes.
- It would also remove a bedroom that could be used for the children.

The residential garden area of the existing property is not clearly defined and the proposal includes a new boundary fence and dense planting along the proposed rear garden boundary to clearly define this.

The site has parking for 6 cars within the site to the front of the dwelling and the existing gates, fences and pillars are to be amended to provide the required visibility splay. A drainage channel is to be provided at the vehicular entrance to prevent surface water run off from the hardstanding area formed onto the adjacent highway.

The applicant has submitted a supporting statement which can be summarised as follows:

- The home will be run by a private company that works closely with RMBC Childrens Services.
- The children that are to be homed here will be placed under strict guidelines and orders therefore resulting in them generally restricted to staying within the site.
- To ensure transport to and from site is sustainable and vehicular movements are kept to a minimum, one member of staff is to drive to site in the morning and collect the company pool car. This member of staff is then to drive to the interchange to collect the other staff for that day.
- Any medical, or health visits will be done away from the site, again resulting in minimal vehicular movements.
- The children placed in this home will be confined to the dwelling and amenity space itself due to strict guidelines. Therefore, having an adequate site area which is enclosed and protected is a priority.
- Visibility splays of 2 x 48m as required are achievable and shown on the drawing.

- The existing brick pillars will be reduced in accordance with guidance from highways to ensure the visibility splays as detailed above are achieved.

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 located within the Green Belt in the Local Plan, for the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS4 Green Belt
 CS28 Sustainable Design
 SP2 Development in the Green Belt
 SP5 Alternative Uses for Buildings within the Green Belt
 SP52 Pollution Control
 SP55 Design Principles

Other Material Considerations

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

National Planning Practice Guidance (NPPG).

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

Rotherham Adopted SPDs:

SPD3 Development in the Green Belt
 SPD12 Transport Assessments Travel Plans and Parking Standards

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 8 letters of objection have been received from local residents and one from Laughton en le Morthen Parish Council.

The objectors raise the following concerns:

- Noise and disturbance to surrounding residents from comings and goings and possible anti-social behaviour. 24 hour shift based system in a rural green belt hamlet – concerned over noise from staff changeover and visitors.
- No details of proposed residents therefore concerned over potential behaviour due to lack of facilities in the village.
- No demonstrated need for this facility.
- No drainage for new car park to address excess surface water.
- Does not comply with NPPF in terms of protecting Green Belt.
- Local Plan states that Laughton en le Morthen does not require any employment provision therefore this business is not required in this location.
- Traffic hazard, from gated access to Slade Hollow, narrow roads which are treacherous in winter and no pavements.
- Erection of boundary fence and gates obscuring view for motorists and pedestrians
- Could be changed to a young offenders institution without planning permission.
- Limited bus service for employees
- The gym extension recently passed would allow the care facility to be extended, this application would lead the way for further extensions to the property.
- The owner of the property (not the applicant) has submitted several planning applications for work already completed, shows contempt for planning compliance. The use is already ongoing and has been for many months.
- All site notices have been removed the day after being displayed.
- Incorrect/incomplete information submitted on application form.
- Concern that the property does not meet Ofsted requirements or been properly registered with Local Authority.
- Childrens safety – the property is within 10m of railway line and bridge.
- Due to the location there would be increased costs for the Council for visitors such as social workers, inspectors, police etc to visit the site.
- No provision for medical waste such as medication, sharps etc.
- Negative impact on property values.

Laughton en le Morthen Parish Council have raised the following issues;

- Inappropriate development in the Green Belt impacting on the openness due to erection of fencing and creation of hardstanding.
- Road safety issues, gate is electronically controlled visitors have to wait in highway for access.
- Increased noise levels from shift changes and vehicles coming and going.
- Need to maintain housing stock in this rural location.

- Not a suitable location for this type of facility, vulnerable children located close to railway bridge and open water.
- Trees removed to increase parking area.
- Inaccuracies on the submitted application form including; the use appears to have already commenced, the amount of parking has increased, the site is within 20m of a watercourse.

At the time of writing this report the applicant has requested to speak at the Planning Board meeting.

In response to the objections received the applicant has submitted the following response:

- Concerns raised regarding the suggestion of an increase in criminal behaviour and anti-social behaviour due to the Childrens Home being sited in the village are of no substance nor following any evidence. These comments are therefore discriminative, judgemental, condemnatory and should be redacted from any objection to the application.
- The resident children will be minors and as such any personal details must be treated with the strictest confidence for their own safety, not publicised around the village.
- Any other applications made by the applicant or the business should not be taken into context as this is a standalone application.
- The home is to be run by a very reputable care company that are CQC regulated. Any procedures, guidelines and regulations will therefore all be scrutinised and to governing body standards.
- A live-in caretaker will be on site to ensure any security risks are suppressed and boundary treatments etc are kept intact.

The Parish Council has also commented further following receipt of the amended details and supporting information submitted by the applicants:

- The Parish Council note again that children are already living at this property with the property owner having already allowed occupation by a business and then moved into the garage, which he seeks to ratify by being the 'Caretaker' of the site. Council is concerned that granting retrospective applications encourages a general lack of compliance with the planning process.
- Whilst the Parish Council notes the amendment to the fencing, it is still of the opinion that the character and openness of this green belt area has been significantly affected by this development.
- The limited on site interaction with medical and care professionals is not considered to be realistic as regular monitoring would be expected with these people not having immediate access to the car parking within the site resulting in problems on the main road.
- Local residents have been cast in a very negative light, accusing them of shunning the children. Those views expressed to Council were only of concern for the children that are staying there.
- With regard to keeping the identity of the children in confidence the Parish Council has been told that the reason that people in the village

were aware of the name of the children staying in the facility is that 'sharper bins' have been left on the main road, outside the gate with a Child's name written on them. It would appear that it's the carers who have released this information and also put local children at risk who would not have known what was in the bins.

- In respect to the change of garage to a residential property, this is residential development in Green Belt. There is nothing in the application that justifies the need for an on-site Caretaker.

Consultations

RMBC – Transportation Infrastructure Service: Note that the revised layout has now demonstrated that visibility can be provided in accordance with industry standards and that 6 No. car parking spaces are to be provided within the site boundary with appropriate manoeuvring facilities such that vehicles can access / egress in a forward gear. As such they raise no concerns in highway terms subject to conditions relating to sight lines and parking areas.

RMBC – Environmental Health: Note that the premises are located in a small village, within close proximity of dwellings to the North and East. However, given that the number of children being accommodated in the care home is to be a maximum of 3, they envisage no significant loss of amenity by virtue of noise, air quality or land pollution impact.

RMBC - Childrens and Young People Service: State that Principle Support are a private care provider who will be responsible for ensuring that the home is registered with OFSTED. They are a provider known to CYPS through commissioning arrangements, the provider has informed CYPS commissioning of their intention to register the home and to work alongside commissioning and social care to identify suitable placements should the home be registered and operated successfully. Oversight of any placements will be in line with existing quality assurance processes across social care and commissioning, OFSTED as the regulated body will also monitor and inspect the home in line with regulations.

RMBC - Public Health: Recommend that a Travel Plan to outline the considerations for staff and visitors being able to use public transport or active travel measures to get to work be submitted.

S Y Police Liaison Officer: Note that whilst there is nothing in their brief that would allow them to object to the proposal, they consider it right to note the objections made by the Parish Council and local residents. Citing the duty of care that they and the Council hold to any children that may be placed at this facility and the site being in close proximity to a railway line and a large body of water and also in regard to the stand off distance between the highway and the gates which is causing obstructions on a road which is arguably already unsafe.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- The principle of the development in the Green Belt
- Design
- Impact on general amenity
- Childrens' safety
- Highway considerations
- Other matters raised by local residents

Principle of the development in the Green Belt

The proposed use would fall within class C2 'Residential Institutions' (use for the provision of residential accommodation and care to people in need of care) and would be acceptable in principle in this location.

Recent planning law has noted that a change of use from C3 to C2 might not result in a material change of use if the resulting use of the building is similar to the character to that of a normal dwelling house. In this instance it is considered that there would be a material change of use due to the number of children accommodated (up to 3) and the changeovers of staff at this property.

The site has been identified as Green Belt land in the adopted Local Plan. Local Plan Policy SP5 'Alternative Uses for Buildings' within the Green Belt states that the change of use or conversion of a building in the Green Belt is acceptable in principle providing that the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt.

This reflects paragraph 155 of the NPPF which states: "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are (amongst others):

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction."

Policy SP2 'Development in the Green Belt' notes that: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

The NPPF at paragraph 153 states that: "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Laughton-en-le-Morthen Parish Council and local residents have raised concerns that the proposal is inappropriate development in the Green Belt impacting on the openness due to the erection of fencing and the creation of a hardstanding.

There are no proposed external alterations to the existing buildings. In terms of the other development on site, the existing fencing/gates that have recently been erected around the site boundary are considered to be harmful to the visual appearance of the locality. An amended plan has been submitted which proposes to amend the fence and gate design to incorporate railings to the upper section to the front of the dwelling which is considered to be a more appropriate design in this prominent Green Belt location, giving a more open aspect to the front of the dwelling whilst maintaining the privacy and security of the site.

The need for off road parking in this location is considered to be a necessity for this application which overrides other considerations. It is noted that the formation of such a hardstanding would be permitted development for a residential property if the hardsurfaced area is suitably drained, and a condition is recommended to ensure that such drainage is provided (Condition 6).

With regard to the conversion of the existing garage to a 'caretakers' dwelling, the conversion of a lawful building in the curtilage of the existing dwelling to residential use does not generally require planning permission, however in this instance it is considered to have been separated from the main garden of the dwelling and has a separate access. As such whilst the requirement for a caretaker on site has been identified by the applicants, any permission granted would be subject to a S106 legal agreement which would restrict the use of the building to ancillary accommodation to the main dwelling only and prevent it being used as a separate dwelling in the Green Belt.

In view of the above, the proposed use of the dwelling as a children's home, with the associated erection of fencing and gates, and formation of hardstanding area, are considered to preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As such, the proposal does not represent inappropriate development within the Green Belt.

Design

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

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

No external alterations are proposed to the existing buildings, however high close boarded fencing has recently been erected around the site boundary and an extended hardstanding has been created to the front without any application for planning permission.

Objections to the erection of the fence in terms of appearance and potential surface water run off from the extended hardstanding have been received.

The need to provide security and privacy for the occupiers is acknowledged and the retention of the close boarded fencing to the side and rear is considered to be an acceptable feature for a residential property in the Green Belt. The amended design to the fencing and gates at the front of the dwelling is considered to be a more appropriate design for this location, which is not dissimilar to other gates in the locality and retains the original low stone retaining wall and allows a more open view through the site, whilst still allowing the site to be secure.

With regard to the hardstanding, there was an original hardstanding to the front of the dwelling which has been extended. As this slopes down to the highway at the entrance the need for a drainage channel to prevent any surface water run off onto the adjacent highway was identified and has been included in the proposed plans (see Condition 6).

The amended design is considered to be acceptable taking into account the applicant's requirements to provide a safe and secure environment for the children who are proposed to reside there.

Impact on general amenity

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

Policy SP52 'Pollution Control' states: "Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it

can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to:

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development.
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land.”

The NPPF at paragraph 135 (f) states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

There is no current national guidance in relation to children’s homes, therefore, the land-use planning considerations that local planning authorities need to concern themselves with are mainly the impact of a proposed institution on amenity and the environment.

Concerns have been raised that nearby residents could be adversely affected by noise and disturbance from the comings and goings of staff and possibly from possible anti-social behaviour from the children residing there.

The proposal is for the use of the dwelling as a children’s home for up to three children at any one time. The property would be accessed by the children and staff members. These comings and goings and associated vehicle movements may differ from the level of activity beyond that which would normally be associated with a dwelling house, however, it is not considered that a small children’s home that would be accommodated in a dwelling of this size would be of a level which would create a significant impact on the residential amenity of the nearby neighbours, and as such would not justify refusing the planning application on these grounds.

The applicant has confirmed that the changeover time for staff is at 8am and 8pm, and so it is not considered that the increase in activity at the property would give rise to an increased level of noise and disturbance during unsociable hours. Whilst activity may increase during daytime hours, it is considered that the level of noise associated with increased vehicular movements would not lead to a significant impact on the residential amenity of existing nearby residents.

The applicants have advised that the children will be confined to the site and it is considered that the impact would not be unlike that of a large family that could reside there.

In an appeal decision for a similar development (Bromley 02/12/1994 DCS No [033-844-797](#)) an inspector felt that the frequency of bad behaviour would be difficult to predict and would depend on individual children and the

supervision they received. These were personal matters not concerned with the use of the property, and the appeal was allowed.

Childrens' safety

Several concerns have been raised that the site is not in a suitable location in terms of ensuring the safety of the children, particularly in respect to the presence of the nearby railway bridge and open water.

The applicants have stated that the children that will reside there will be confined to the dwelling and garden area due to strict guidelines. Ultimately the safety of the children under their care is the responsibility of the carers and the would be regulated by OFSTED and would not differ from other children residing in the village.

Highways issues

Paragraph 115 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."

Objections to the proposals include traffic/highways issues, including cars waiting in the highway for access, the narrow roads which are stated as being treacherous in winter, and the fact that there are no pavements.

The gated access to Slade Hollow is controlled electronically and the applicant has advised verbally that staff have a fob to open the gate on arrival.

The Transportation Officer has assessed the proposals in highway terms and has visited the site. This has resulted in the submission of amended plans to amend the existing fence, gates and pillars to achieve an adequate visibility splay. The Transportation Officer has confirmed that the revised layout has now demonstrated that visibility can be provided in accordance with industry standards and that 6 No car parking spaces are to be provided within the site boundary with appropriate manoeuvring facilities such that vehicles can access / egress in a forward gear.

Subject to the recommended conditions set out below the Transportation Officer raises no objections in relation to Highway Safety concerns and is happy with the level of parking available on the site.

Other matters raised by local residents

In terms of the concerns raised that the use had already commenced prior to the submission of this application, any work carried out was done at the applicant's own risk and does not affect the determination of this application.

Concerns have been raised that the property could be changed to a young offenders institution without planning permission, the permission hereby

granted would be for a C2 use only and any change of use to a secure residential institution (Use Class C2A) would require further planning permission.

Concerns have been raised that the gym extension recently passed would allow the care facility to be extended, and that this application would lead the way for further extensions to the property. This proposal is restricted to the care of up to three children only (Condition 2) and any increase in that would require the submission of a revised application for consideration.

In terms of possible impact on property values, this is not a material planning consideration and cannot be taken into account.

With regard to meeting Ofsted requirements or being properly registered with the Local Authority, this is separate legislation that is the responsibility of the applicants and other services and does not have any impact on planning decisions.

No demonstrated need for this facility,- in planning terms there is no requirement to demonstrate a need this will be addressed by the Social Services.

Local Plan states that Laughton en le Morthen does not require any employment provision therefore this business is not required in this location – the proposed use is a residential use albeit slightly different to the existing residential use it is not considered to be an employment use.

All site notices have been removed the day after being displayed – the site notices were displayed near the site in accordance with the legislation the Council cannot be responsible if these are defaced or removed.

Incorrect/incomplete information submitted on application form – any relevant information provided has been checked and clarified with the applicants and as far as the Council is aware all relevant details are now included in the application.

No provision for medical waste such as medication, sharps etc. – the collection of any medical waste is arranged by the Local Authority waste collection service and they are responsible for ensuring that the correct procedure is followed in this respect.

Need to maintain housing stock in this rural location – the property will still be in residential use and could revert back to a family home in the future if required.

Not a suitable location for this type of facility, vulnerable children located close to railway bridge and open water – this would be assessed by OFSTED and the applicants have stated that the children would remain within the site where there would be a large garden area for recreational facilities.

Trees removed to increase parking area – the trees on site were not protected by any Tree Preservation orders therefore there are no restrictions to prevent their removal.

Conclusion

The proposed use of the dwelling as a children's home, with the associated erection of fencing and gates, and formation of hardstanding area, are considered to preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As such, the proposal does not represent inappropriate development within the Green Belt.

The amended design of the fencing and gates at the front of the property is considered to be acceptable, taking into account the applicant's requirements to provide a safe and secure environment for the children who are proposed to reside there.

Taking account of the location of the dwelling and the nature of the proposed use it is considered that any noise and disturbance generated would be similar to a traditional family dwelling and whilst there could be an increase in comings and goings, especially at shift change over times, this would be within daytime hours so would not create such a significant impact on the amenity of neighbouring residents that would justify refusing planning permission on these grounds.

Furthermore, the presence of several carers at any one time will ensure that the children and/or young people in care are suitably supervised minimising any impact on the amenity of neighbours or the wider community, as well as the children themselves.

It is further considered that the proposed alterations to the fence and hardstanding will be appropriate in highway terms.

In view of the above, it is recommended that planning permission be granted, subject to the signing of the S106 legal agreement controlling the use of the caretaker's accommodation.

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 and as shown on the approved plans (as set out below).

Drawing nos:

Site and Block Plan 23_2103 Drawing Number 6B

Floor Plan received 6 September 2023

Drawing no. 3C received 22 February 2024

Drawing no. 4, 5A, 7A received 1 March 2024

Drawing no. 1C received 15 March 2024

Reason

To define the permission and for the avoidance of doubt.

02

The premises shall be used as a residential care home for up to 3 children only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking and re-enacting that Order with or without modification)).

Reason

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

03

Within 3 months of the date of this permission the existing fence/gates shall be amended to comply with the approved design as shown on drawing 3C.

Reason

In the interest of the visual amenity of the area.

04

Within 3 months of the date of this permission the sight lines indicated on the proposed site layout plan (Drg No 1C and 6B) shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

In the interests of highway safety

05

Within 3 months of the date of this permission the car parking area shown on the proposed site layout plan (Drg No 1C and 6B) shall be marked out, and it shall be thereafter maintained for car parking.

Reason

To ensure the provision of adequate on site parking

06

Within 3 months of the date of this permission the proposed drainage channel at the vehicular entrance shall be provided and shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained in the interests of the adequate drainage of the site, road safety and residential amenity.

07

Within 1 month of the date of this decision details of the boundary fencing and hedging to the rear (western) boundary shall be submitted to the Local Planning Authority, and the approved fencing details shall be implemented within 1 month of their approval, and thereafter retained/maintained. The approved hedge planting details shall be carried out within the first planting season after their approval, and any plants dying or being removed within 5 years of being planted shall be replaced.

Reason

In the interests of visual amenity and to define the boundary of the site.

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.

Informative

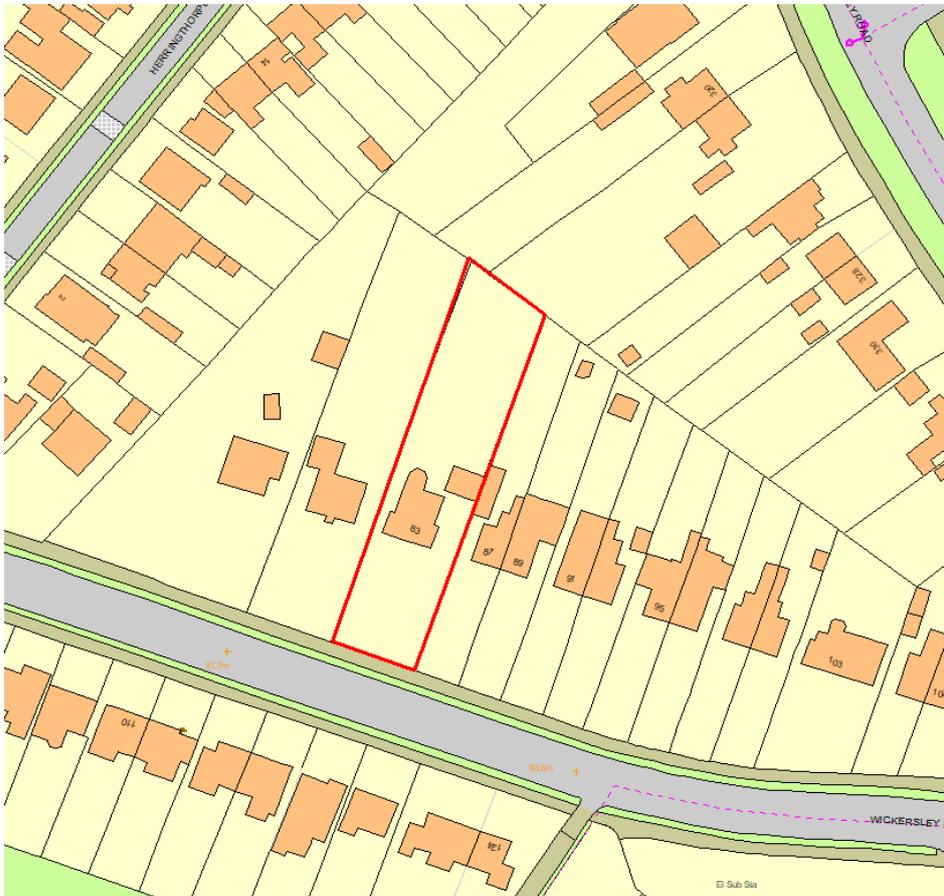
01

INF 33 Section 106 Agreements

The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

Application Number	RB2024/0042 https://rotherham.planportal.co.uk/?id=RB2024/0042
Proposal and Location	Demolition of existing conservatory, erection of two storey side extension and creation of balcony to rear. Amendment to previous application RB2022-0883 at 83 Wickersley Road, Broom, Rotherham
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 substantial detached house on Wickersley Road. The character of the surrounding area is one of substantial brick built detached dwellings which are set back from the highway. The host dwelling sits in a trio of properties which enjoy large gardens to the front and rear within the suburban area. The dwelling is surrounded by mature hedges with a brick boundary wall with railings to the top and a gate with the same railings for transparency.

The dwelling has been subject of a previous planning permission for extensions. Work has commenced and the conservatory to the rear has been

demolished and balcony commenced, two storey side extension has been constructed.

Background

RB2022/0883 – Demolition of existing conservatory, erection of two storey side extension and creation of balcony to the rear – Granted Conditionally

Proposal

This application proposes amendments to the earlier approved scheme of extensions to the dwelling. The changes can be summarised as follows:

- Replacement doors/windows to front elevation with garage door;
- Additional window in side elevation of two storey side extension
- Alterations to and extension of balcony to rear.

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
SP55 'Design Principles'

Other Material Considerations

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

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

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

Rotherham Adopted Supplementary Planning Documents:

SPD Householder Design Guide adopted June 2020.

Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties. 8 letters of representation have been received from 5 separate households/individuals. The objections can be summarised as follows;

In response to the plans:

- The previous scheme approved would have an impact on a parental home
- The proposed size and footprint would be too large and will be double the size of the original property built in the 1920s
- The previous scheme approved was to operate a business and this is no longer the case
- Extensions should not exceed more than 50% of the total area of the land around the original house
- The size of the scheme would create a property too large for the plot size and would be closer to 100% of the original build.
- The alterations made in 1997 must be taken into account in considering this application
- Clear grounds for refusing this proposal, due to the incorrect way in which the application was filed. The application form filed by the agent acting on behalf of the owners of No. 83 Wickersley contains misleading and inaccurate information in relation to trees by stating none would be affected.
- The agent failed to consider the established holly tree located within the boundary of no.87 Wickersley Road which pre-dated the extension
- Window in side wall. The window, due to its close proximity to the boundary hedge, should not be permitted under any circumstances
- The proposed balcony would overlook parents garden
- The close proximity to the hedgerow, for example means that it would be very difficult in future to undertake work such as cleaning the gutters, pointing, or even cleaning the window because access to this side of the extension cannot be accessed from the perimeter of No. 83.
- Stress and worry caused to elderly parents by submission of application
- Loss of privacy due to balcony, large rear windows and side window proposed
- Previous application did not have a side window and now there is one proposed
- Will the window in frosted glass/obscurely glazed?
- The window on this elevation will restrict any potential permitted development at no 87

- Concerns that if proposed garage becomes a habitable room/business as previously submitted it would have a negative impact on no 87's own prospects of gain permission for further development
- Overlook the driveway and amenity space of no 87
- Extension comes right up to the boundary with no 87
- If the boundary hedge was to increase in height it would cover the window and block off light to the garage and would owners of No.87 be expected to maintain the hedge height to below the window to avoid blocking out light to the garage.
- The balcony area opens it up to becoming a social area and the potential for noise/unrest not synonymous with the area.
- The proposal is not 1m from the hedgerow as indicated, the tree was cut in half due to boundary issues
- Concerns with the location of fall pipe, proposal, and width of extension

Consultations

RMBC – Transportation Infrastructure Service

The Council's Highways Team had no objections or observations to make.

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
Visual Amenity
Impact on Residential Amenity

Principle

The extensions to the property have been previously approved and the principle of extending a residential dwelling is acceptable subject to other material considerations which are detailed below.

Visual Amenity and Residential Amenity

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design.

Sites and Policies Document 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." It adds that: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals (amongst others):

- a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development"

This approach is also echoed in National Planning Policy in the NPPF. The NPPF 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: Planning policies and decisions should ensure that developments:

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

The NPPF further adds at Paragraph 134;

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The supporting text to Policy SP55 'Design Principles' at paragraph 4.330 states: "Supplementary Planning Document: Householder Design Guide (June 2020) provides information to households wishing to alter or extend their property."

The two-storey side extension is visible from the street and this has already been approved. The changes to the door and windows and inclusion of a

garage door are minor changes which do not change the form and do not significantly affect its appearance in the street.

Overall, there is no additional impact upon the street as a result of the proposed amendments to the previously approved scheme. The proposed development remains compliant with relevant Local Plan Policies and the NPPF.

Impact on residential amenity

In this instance, the proposal to alter the balcony proposal is assessed using Design Guidance 1.3 which states that balconies, decking, raised patios, verandahs and windows serving habitable rooms such as kitchens, living rooms and bedrooms should be sited so that they do not directly look into the habitable windows of adjacent houses or their private gardens. To achieve this any new habitable room windows above ground floor should not be sited within 10 metres of a neighbours boundary and should maintain more than 21 metres between facing habitable room windows or would result in a significant loss of privacy.

It goes on to say that balconies can create an unacceptable loss of privacy and are usually unacceptable on semi -detached and terraced properties. Where they are proposed, they must be a minimum of 2 metres from any neighbouring boundary with appropriate screening to avoid any overlooking. Floor to ceiling windows and French / patio doors can increase the effect of overlooking and will usually be resisted if they are proposed in elevations above ground floor where they would be near to the boundary of an adjacent residential property. Balconies can often create overlooking, which can be avoided through careful design and screening.

The creation of a balcony to the rear was assessed in the previous permission. In this instance, this application seeks an amendment to extend the balcony over a side pane window at first floor and remove the pillars that were holding up the balcony. Instead, the balcony will now be cantilevered and does not require any support. The proposed obscurely glazed screen on either side of the balcony will provide a level of privacy for the neighbours on either side which are both at a good distance and over 2 metres from the neighbouring properties boundaries. Additionally, the property is detached and enjoys a large garden which is over 50m to the rear boundary. As such no additional negative impact is not anticipated.

The proposed side elevation window is at ground floor level and given that it is to be obscurely glazed and overlooks a path/drive and side elevation of the neighbouring house, it is not considered that it would result in an unacceptable impact of overlooking.

It is noted that while objections are being raised regarding the balcony and boundary proximity, this application only relates to an amendment of an already approved scheme. The cantilevered balcony replaces the previous one which was supported by pillars.

Other objections relate to the plot size and impact of the extension which is considered large. However, as mentioned above the scheme has already been approved.

Conclusion

Taking the above into account, the proposed alteration to the previous approval complies with the Councils SPD Householder Design Guidance, June 2020, and will therefore, not cause unacceptable harm to the character of the property or others within the street scene. The proposed alteration to the balcony and insertion of a window on the side elevation have been carefully designed and adequate diligence has been given to ensure that there is no detrimental impact on the neighbours on either side of the property.

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)

Double storey extension – Ref – MS/58/22 - 07 received 8th March 2024.

Block Plan – Received 10th April 2024

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form and shown on drawing no MS/58/22 – 07 received on 8th March 2024. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

There shall be no additional windows inserted at first floor without prior written consent of the Local Planning Authority.

Reason

In the interest of preventing loss of privacy to neighbouring properties

05

The window in the side elevation of the garage shall be obscurely glazed as shown on the approved Drawing- Proposed elevations received on 8 March 2024 and shall be permanently retained in such a condition.

Reason

In the interest of the amenity of neighboring properties.

POSITIVE AND PROACTIVE STATEMENT

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