

**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 15TH MAY 2025**

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

Application Number	RB2025/0401 https://rotherham.planportal.co.uk/?id=RB2025/0401
Proposal and Location	Alterations to roof and construction of additional floor to accommodate 5no. new flats at second floor level, Café Sport 11 Station Street, Swinton
Recommendation	Grant Conditionally

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



Site Description & Location

This application relates to the former sports bar known as Café Sport. The site lies on the southern side of Station Street and lies in close proximity to Swinton Town Centre. The café has been closed for a number of years and is currently subject to some antisocial behaviour.

Directly to the south and east of the site is an area of Public Open Space which forms the northern area of Swinton Park.

The site comprises of a brick and render building that is a high two storey height with a flat roof over part of the site. Internally the building is located over two levels and has limited space to facilitate any future private garden/amenity area.

Background

The site has the following previous relevant planning history:

RB1974/0385 – Conversion of building to 2 shops on front 4 squash courts & supporting facilities – granted

RB1977/0345 – Change of Use cinema to dance hall – granted

RB1978/0343 – Change of Use cinema to indoor skate park – granted

RB1979/1971 – Details of proposed squash courts – granted

Since 1993 the application site has been referred to as Café Sport.

In 2007 and 2014 there were applications for canopy and cladding alterations.

In 2022 a Prior Notification application was submitted and refused under RB2022/0166 on account of being unsuitable for the PN procedure (the Council considered the last known use to be Sui Generis rather than Use Class E where there is a Permitted Change of Use to Residential) as well as the concerns from overlooking/poor outlook to new windows. This was subsequently dismissed on appeal and the Inspector disagreed with the considering it to fall within use class E. The Inspector agreed with the secondary reason for refusal on poor outlooks.

A further PN application was submitted and approved under RB2023/0024 and the physical alterations to the building were considered under application RB2023/0937.

The approved conversion comprised of internal alterations to create 12no. flats, of which there will be 2no 2 bedroom, 8no 1 bedroom and 2no studio flats.

A neighbouring property known as Robin Hood Court which lies directly to the west of the site was approved in 2013 (RB2013/0721) and then amended in 2016 (RB2016/1104). It is understood that the property was constructed shortly after.

An earlier application to increase the roof height of the apex was made under RB2024/0330 which was refused on the ground that it would have an overbearing impact on the adjacent flats at Robin Hood Court by materially increasing levels of overshadowing and dominance to the outlooks of existing ground floor windows to the adjacent property. The application was subsequently dismissed at appeal, where the Planning Inspector agreed with the Council on the loss of light to the neighbouring ground floor flats. The

Inspector also assessed concerns raised by third parties including traffic generation and bin storage, but did not uphold these concerns.

Proposal

This application seeks full planning permission for external alterations to the building which includes an increase in building height to create a second floor over the existing ground and first floor. The proposal also seeks approval for 5 additional units in the newly created second floor level. This comprises of 4no. one bed flats and 1no. two bed flat.

This revised proposal seeks to increase the height of the roof, by removing the existing roof, increasing the height of one of the side walls creating an asymmetric roof design.

The building footprint does not increase in size floor space. A number of new windows are proposed along the eastern elevation and southern elevation. Two new rooflight windows are proposed along the western elevation, but these will be to serve a bathroom and stairwell only.

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 as retail in the Local Plan. The principle of residential development at ground and first floor level has been previously considered under a separate Prior Notification application RB2023/0024.

For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):
CS28 'Sustainable Design'

Sites and Policy Policies
SP19 'Development Within Town, District and Local Centres'
SP21 'Secondary Shopping Frontages'
SP26 'Sustainable Transport for Development'
SP41 'Conservation Areas'
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.

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties.

A total of 9 representations have been received and can be summarised below:

- Lack of parking will create further congestion
- The likelihood is that this will be displaced onto nearby streets
- Lack of space for storage of bins
- Potential for overlooking to the surroundings
- Where would access be for bin collection
- There are enough flats within the Swinton area
- This would represent overcrowding
- Lack of outdoor space for future residents
- Re-use of building as an indoor recreation area is preferred
- Further impact and pressure on local infrastructure, particularly on the number of school and doctors places.

Consultations

RMBC – Transportation Infrastructure Service – no objections subject to conditions

RMBC – Environmental Health – no objections 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:

- Principle of development
- Design and impact on the street scene as well as on the surrounding properties
- Highway safety
- Other issues

Principle of development

The application site is allocated as retail in the Local Plan. Local Plan Policy SP19 identifies that C3 (residential uses) will be acceptable within Town, District and Local Centres. The policy supporting text states: "It 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 principle of residential development at ground and first floor level has been previously considered under a separate Prior Notification application RB2023/0024. This is a live application until September 2026.

The principle of additional residential use at a new second floor level is therefore considered acceptable in policy terms.

This application considers the principle of an alteration to the roof and overall height of the building and an additional 5no. apartments at the newly created second floor level. There is no loss of a retail unit as a result of this application. This includes new window openings, as well as the increase in height and scale of the building, including the impact on the visual amenity of the street scene as well as the impact on neighbouring buildings, especially those to the west. These considerations are set out in more detail below.

Design, Impact on the street scene and surrounding properties

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

take all opportunities to improve the character and quality of an area and the way it functions.

Policy SP41 'Conservation Areas' indicates '...Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles:

a. developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings;

b. there is a presumption in favour of the preservation of buildings and structures, both listed and unlisted, which make a positive contribution to the special character or appearance of Conservation Areas....'

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

The NPPF at paragraph 131 states: *"Good design 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 135 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

The site lies within the Swinton Conservation Area, though the current building is not considered to have any significant architectural features and provides a limited contribution to the overall character of the Conservation Area.

The increase in roof height when viewed from the street scene is not considered to have an overly dominant or detrimental impact on the surrounding Swinton Conservation Area and is considered to be in keeping with other buildings in the area, some of which are of a similar scale, including the Robin Hood Inn which will remain at a higher scale. Furthermore, whilst the roof design is now slightly unusual, the asymmetrical pitch is set back from the street and is not considered to be detrimental when viewed from the street scene or the wider Conservation Area. Overall, bringing this disused building back into use and providing additional residential properties is considered to be a benefit to the area and the improvements to the overall appearance of the building will be positive.

The windows alterations are considered to be in keeping with the scale of the building and is considered to be in lines with the aims of Local Plan policy

SP41 'Conservation Areas' which indicates that developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings, along with preserving existing buildings within the Conservation Area. The re-use of the building is encouraged.

In terms of impact on the nearest residential properties, an earlier application was refused and the decision upheld at appeal. This related to the impact from the built form of the roof alteration and increase in roof and eaves height, on the properties to the west that are the most vulnerable from any increase in height of the existing building and roofline. The properties that would be the most affected are the flats at 1a-7a Church Street along with 1-4 Robin Hood Court which face directly onto the building.

This revised scheme now retains the height at eaves level in relation to these neighbouring properties and consists of an asymmetric roof design to minimise the impact. The proposal meets the 25 degree line from the windows within the nearest neighbouring properties. The retention of the existing eaves height and the roof design which slopes away from the boundary with these neighbouring properties will ensure that there is not a significant additional impact on the amenity by way of loss of light or overbearing impact.

Overall the increase in roof height is not considered to have an excessively dominant impact on the outlooks of existing properties including Robin Hoods Court and is considered to have been designed to limit any potential for overlooking. The proposal is considered to meet the general guidance of the NPPF at paragraph 131 along with Local Plan Policies SP55 'Design Principles' and CS28 'Sustainable Design'.

Highway safety

A number of the objections indicate highway safety concerns and in particular the lack of parking available. The existing building has no parking associated with it and it lies within a town centre location which is well served by public transport including bus and rail links and is also close to a free public car park. There are numerous local shops and a junior school close by and as such, the location is considered sustainable.

In accordance with the Council's parking standards, cycle provision should be made within the development, accounting for 1 long stay locker per flat. This being the case, the Transportation Unit have confirmed that there are no objection to the granting of planning permission in a highways context.

Other issues

A large number of concerns by objectors have raised the issue of bin storage. In this instance it is noted that the ground floor area has an area available for bin storage. In addition all apartments have at least 1 no separate storage room available for both storage of bicycles as well as bins and other equipment. It is considered that these should be conditioned to be retained in

perpetuity to reduce the potential for waste nuisance occurring outside of the building.

The Inspector also considered this in the appeal and did not raise any concerns on this aspect.

Whilst the properties do not benefit from individual amenity space, it is noted that the site is both in a sustainable location in close proximity of Swinton Town Centre, as well as being adjacent to a significant area of green space which forms the northern end of Horsefair Park. It is considered that this will allow access for residents to Green Space in close proximity to the site and the scheme is therefore considered to be acceptable in this respect.

Conclusion

Overall there are no objections to the principle of the increase in the height of roof from a general design perspective. The increase in height of this revised application proposal is considered to mitigate the previous unacceptable level of overshadowing to the ground floor windows of the neighbouring development to the west at Robin Hood Court. 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 and as shown on the approved plans (as set out below)

(Drawing numbers location plan 22002_01, proposed second floor 22002_07, elevations 22002_08, 22002_09, street scene 22002_10)(received 24 March 2025)

Reason

To define the permission and for the avoidance of doubt.

03

The new rooflight windows along the western elevation facing 1 and 7a Church Street shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres

above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

04

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing nos. Elevations 22002_08, 22002_09. The development shall thereafter be carried out in accordance with these details.

Reason

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

05

The Cycle Storage provision as shown on drawing (ref proposed second floor 22002_07) shall be implemented prior to the occupation of the first flat.

Reason

In order to promote sustainable transport choices.

Informative

The applicant is reminded that only the creation of the new second floor element of the application including external changes to the alterations to the roof and new windows have been considered on this application. The earlier Prior Notification application RB2023/0024 (and has been subsequently updated under RB2024/0341) considered the principle of the ground and first floor residential conversion and is live until September 2026.

Positive and Proactive Statement

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