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**Ref: 2021/0104**

Applicant: Darwen Investments Ltd

Agent: A.N. Designs Ltd

Description: Demolition of existing hotel/pub and development of new petrol station with jet washes (sui generis) and retail units (class E)

Address: Thurnscoe Hotel and Pub, Houghton Road, Thurnscoe, Rotherham, S63 0JX.

### **Site Description**

The application site is located to the south-west of Houghton Road within a mixed-use setting in Thurnscoe. The site is approximately 0.22ha. The application site is bound by Houghton Road to the north with residential dwellings and retail units opposite the application site. To the south-east is an ASDA supermarket with the associated car park to the east. There are residential dwellings to the south and south-west on Kingsway Grove. To the west there is a funeral directors with further residential dwellings beyond to the west. The site is within the Dearne Valley Green Heart nature improvement area and the local centre of Thurnscoe.

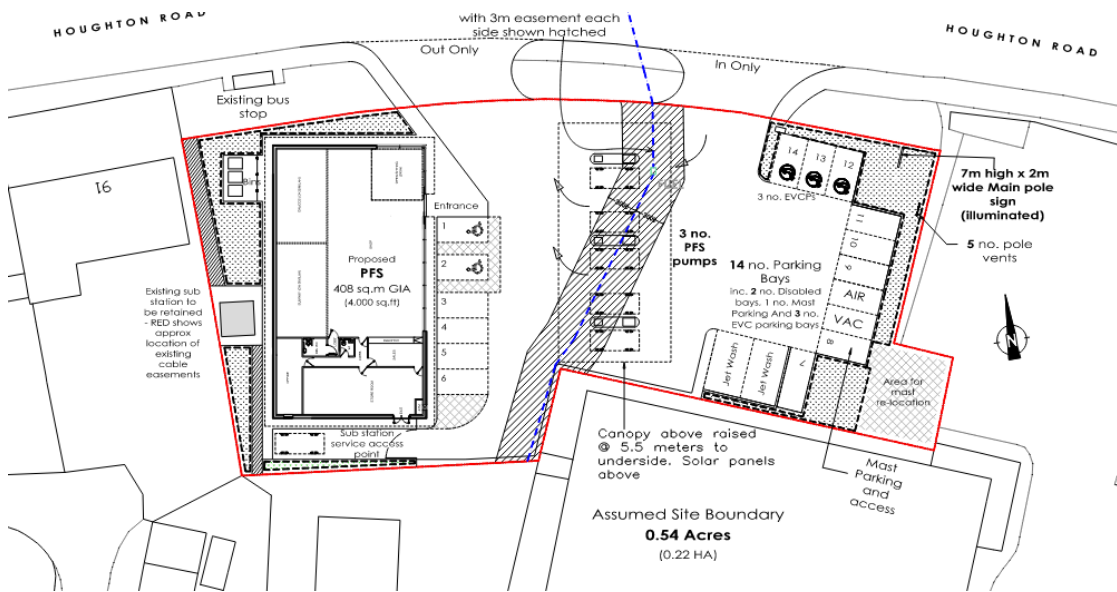
Thurnscoe hotel, which is proposed to be demolished, is a three-storey detached commercial property and is currently unoccupied. It is traditionally built, constructed in facing brick with a pitch roof over. There are window openings located along the front and side elevations. The hotel is derelict and has been subject to vandalism attempts and has been set on fire multiple times. The building is no longer considered safe to enter and work from.



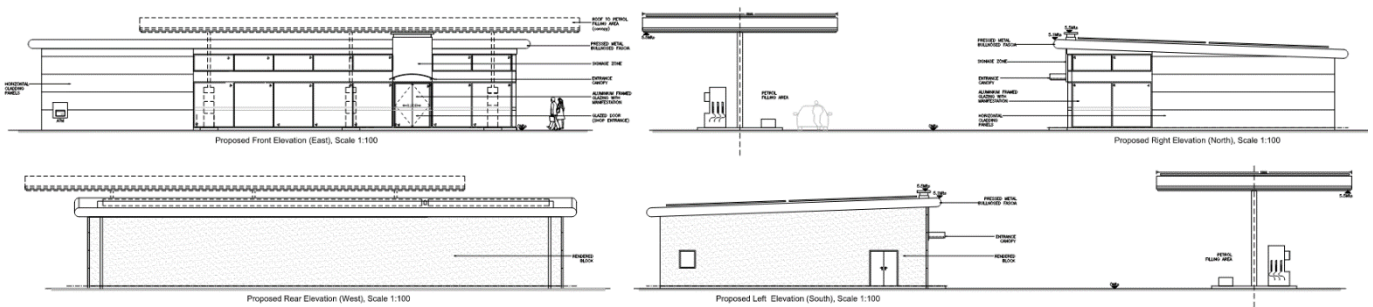
### Site Photos



- Structural report.



Proposed Block Plan



Proposed Elevations

## Planning History

2012/0271- Demolition of public house and re-development of site to accommodate retail units (Outline)- Approve with conditions- 12<sup>th</sup> June 2012

2007/0987- Erection of smoking gazebo to front of Public House- Approve with conditions- 18 July 2007

B/81/1056/AD/DE- Display of advertisement hoardings- 26/08/1981

B/82/1563/AD/DE- Individual letters illuminated by Trough lights- 07/01/1983

## Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application

### Local Plan

Policy GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

T3 'New Development and Sustainable Travel'

T4 'New Development and Highway Improvement' new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

Policy D1 'Design' sets various criteria against which the design of development will be judged.

Policy TC1 'Town Centres' gives support to maintaining and enhancing the vitality and viability of retail centres in the borough.

CC1 'Climate Change and Sustainable Construction'

CC3 'Flood Risk'

CC4 'Sustainable Drainage Systems'

Poll1 'Pollution Control and Protection'

### SPDs

The following Supplementary Planning Documents are relevant to the proposal:-

'Parking'

'Residential Amenity and the Siting of Buildings'

### NPPE

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

### **Consultations**

Air Quality Officer- No comments received.

Biodiversity Officer- Updated reports received. Recommendations at section 10 of the report for mitigation and enhancement should be referred to by way of condition. All recommendations should be provided by the applicant/developer.

Demolition- No comments received.

Drainage- No objections subject to condition.

Environment Agency- No objection subject to condition to reduce the risk of pollution to the water environment.

Highways DC- Reviewed latest plans (ref 2075-101B; 2075-102A and 2075-103A), no objections subject to conditions and informatives.

Pollution Control- Approval with conditions is recommended.

Yorkshire Water- No objection subject to conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

Ward Councillors- No comments received.

## **Representations**

13 nearby and neighbouring properties were consulted on the application and a site notice was displayed at the site.

1 letter of support has been received which is summarised as follows:

- Development needs to happen.
- Please allow for late night opening hours as this will add more light and security cameras on the front street.
- It would help having a petrol station in the village again.

## **Assessment**

### Principle of Development

The site comprises a vacant hotel with a previous commercial use set within a mixed-use area within Thurnscoe local centre. The proposal is for a PFS with a retail element including a shop and food franchises. Policy TC1 states that the overall approach is that new retail and town centre development should be located within existing centres. It is accepted that a PFS is not a town centre use however the associated shop and food franchises are and would be required to comply with town centre planning policies. As the development will be located within Thurnscoe local centre they would be deemed acceptable.

Policy E7- Loss of Local Services and Community Facilities in Villages, and policy I2- Educational and Community Facilities are relevant to this proposal due to the loss of the public house. The policies argue that community uses such as a pub will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community facility, that the business cannot be economically successful and would not effect on the ability of local people to access local services. The pub has been vacant since February 2010 and has been subject of a previous retail application. The pub is unsafe as evidenced within the structural report. As such it is clearly demonstrated that the pub is no longer required. The PFS would regenerate an existing site which is a betterment for the area.

Furthermore, as the PFS will be located within a mixed area and will be replacing a vacant commercial use it is acceptable in principle and will subject to an assessment as below in relation to other local plan policies.

## Residential Amenity

The site is within a mixed-use area with residential properties opposite, to the west and to the south of the site. The proposed PFS is adjacent to a funeral directors and other commercial premises, however it is noted there are residential properties at first floor of these premises. It is considered the residential property which has the potential to be most affected by the proposal is 19 Kingsway Grove, to the rear of the site at a distance of approximately 4.6m. As the use will be for a PFS and associated shops there will be no consideration in terms of habitable rooms looking on to one another. Taking account of the scale of the existing building on the site, the impact in terms of overbearing/overshadowing would be reduced and it is considered acceptable. Further, no objections have been received from neighboring/nearby properties. Therefore, the main impact on the surrounding residential properties will be in relation to noise and light associated with the PFS.

A noise report has been provided to support the application which identifies that the ambient noise climate is dominated by traffic noise from the local road network. When assessed in accordance with BS 4142, the noise levels associated with the PFS pumps and jet wash are predicated to be no greater than existing background noise levels at the nearest noise sensitive receptors; in accordance with BS 4142 this is an indication of a low impact depending on context. Various mitigation techniques have been recommended within the report which includes the erection of boundary treatments.

Pollution Control have had concern about the noise from the proposed Jet Wash and during the process of the application the location of this was moved from the north-eastern corner of the site to the south. It was agreed that operating hours of the jet wash would be restricted to 09:00-18:00 Monday to Saturday with no operation on Sunday and that the operation of the jet wash would be strictly controlled using a token system.

Pollution Control also confirmed that whilst it is believed a hazardous substances consent permit is not required, an environmental permit is required from the Local Authority to operate. This would be a separate matter to the planning application.

It will be important to ensure that the luminance spread of any lighting and illuminated signage does not lead to unacceptable impacts on residential amenity. This can be achieved through an appropriate lighting scheme, details of which can be dealt with through a condition and future advertisement consent applications.

With regards to odour, fuel vapour is not released into the atmosphere due to modern fuel recovery systems at the points of fuel tanker delivery, and at the pumps themselves – keeping all vapours in the tanks. Fuel vapours waste fuel and therefore all new petrol filling stations put systems in place to avoid these losses. Minor fuel spills by customers at the pumps are only detectable when stood in the immediate vicinity and would not therefore affect nearby houses. In addition, the refuse area is enclosed, reducing any potential odour issues. This area has now been shown enclosed, reducing any potential odour issues.

## Visual Amenity

The proposed PFS is within a mixed-use area where properties range in style and size ranging from one to two stories. The PFS will replace a redundant pub which is two stories in height and has a considerable bulk and mass. The PFS will be oriented to the east, whilst the existing pub was oriented to look onto the north. The proposed layout ensures the site is utilized to its potential.

The PFS will not have an unacceptable visual impact or appear incongruous in the street scene with it being single story and modest in height compared to the vacant pub. The proposal will bring a vacant site back into use in a local centre. Further, materials of the proposed PFS can be conditioned to ensure they are acceptable. The proposal is therefore acceptable in visual amenity terms.

## Biodiversity

A preliminary roost assessment was undertaken at Thurnscoe Hotel and the building was considered to have low suitability for bats. The Council's ecologist was consulted and deemed that the PRS was satisfactory in most regards, however in sections 5 and 6.03 the report does not gain external records from 2 important local sources, which is advised by the BCT's national guidance. These sources are Barnsley Biological Records Centre and South Yorkshire Bat Group. It was recommended that an additional survey be undertaken and detail provided to how the development would lead to no net loss of biodiversity.

A presence/absence survey was provided, and data was gained from Barnsley Biological records Centre. It was concluded that no bats were seen or heard emerging from the building and as such the proposals to demolish the building will have no foreseen negative impact upon bats roosting. Recommendations have been made to incorporate biodiversity enhancement within the site and if adopted, will ensure a net gain in biodiversity. The ecologist provided updated comments and as such the report has been accepted.

Given the above, there are no objections from a biodiversity perspective subject to the recommendations at section 10 of the report for mitigation and enhancement being referred to by way of condition.

## Highways

Amended drawings (ref 2075-101B; 2075-102A and 2075-103A) were received to support the application following extensive comments from the highways department requesting additional details. Most recently, the tank filling point was relocated to island 2 to allow a minimum 500mm clearance between the oil tanker and the pump island/pump unit and the proposed signage was moved from within the public highway to within the site boundary.

Conditions have been recommended by the highways department in order to make the development acceptable which include the surfacing of parking/manoeuvring facilities, the submission of a visibility splay, surface water run off collection and disposal should be off site and not onto the public highway, the submission of a survey of the condition of the adopted highway to be used by construction traffic with an additional survey to identify defects attributable to the traffic associated with the development with any remedial works being at the developer's expense, the submission of a survey of the condition of vehicular and pedestrian gradients to ensure safe access, the submission of a construction method statement and the submission of details relating to highway improvement works. All of the above will ensure highway safety, the safety of persons using the access and site and the free flow of traffic.

It is also noted that the developer must enter into a highway agreement with the Council under S278 of the Highways Act. Informatives have been provided which will be included on any decision notice.

Given the above it is considered that the development would be acceptable from a highways point of view in accordance with Local Plan Policy T4 New Development and Transport Safety.

## Drainage

Initial comments from drainage suggested that whilst there were no drainage details shown on the plans submitted, due to the limited scope of the works and the fact the area is well served by local sewers, a conditional approval is appropriate.

It was noted that Thurnscoe Dike, a culverted watercourse, runs through the centre of the site and would require an easement. Additionally, the site lies within surface water flooding according to the Environment Agency surface flood maps.

It was requested that a Flood Risk Assessment to address the concerns with surface water in this area and additional details as to what infrastructure is required to address concerns of the development being over the culvert was submitted.

The FRA considered that the proposed development was appropriate and whilst there is some uncertainty as to whether the site is at an actual risk of flooding from surface water and if so what depth, this could be dealt with by installing flood resilience in the design. The drainage officer has agreed by email that the actual flood resilience features can be determined once specific elevations are known and in consultation with Building Control.

Throughout the process of the application, it was highlighted that there would need to be tanking underground in this location and this cannot be over the easement. In response to the above comments, a new underground tank position was indicated, and various details were provided which have deemed to be acceptable.

It is therefore considered that subject to condition requiring the culvert diversion pre-commencement, the development is acceptable from a drainage point of view.

#### Other Matters

Consultee responses from Environment Agency and Yorkshire Water have recommended approval subject to conditions which will be included on any approval.

The agent confirmed that the site will have Electric vehicle charging points and has provided the LPA with their specification.

#### Conclusion

The proposed PFS will bring back a redundant site into use, in accordance with local and national policy and is acceptable in regard to visual amenity, residential amenity, biodiversity, highways and drainage through use of condition.

#### Recommendation

**Approve subject to conditions**