

## PLANNING REGULATORY BOARD

Date:- Thursday, 26 October 2017      Venue:- Town Hall, Moorgate Street,  
Rotherham. S60 2TH  
Time:- 10.15 a.m.

### AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)  
*(A form is attached and spares will be available at the meeting)*
5. Minutes of the previous meeting held on 5th October, 2017 (Pages 2 - 3)
6. Deferments/Site Visits (information attached) (Pages 4 - 5)
7. Visit of Inspection - Demolition of conservatory and triple garage, conversion and extension of outbuilding to create dwellinghouse and formation of new access drive at Newcroft 19 Woodsetts Road, Gildingwells for Mr. Standfield (RB2017/0550) (Pages 6 - 20)
8. Development Proposals (Pages 21 - 155)
9. Updates
10. Date of next meeting - Thursday 7 December 2017

### Membership of the Planning Board 2017/18

Chairman – Councillor Atkin      Vice-Chairman – Councillor Tweed  
Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Ireland,  
Jarvis, Price, Taylor, R.A.J. Turner, Vjestica, Walsh and Whysall.



**SHARON KEMP,**  
Chief Executive.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING BOARD**

**MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

*Please tick (√) which type of interest you have in the appropriate box below:-*

**1. Disclosable Pecuniary**

**2. Personal**

Please give your reason(s) for you Declaring an Interest:-

*(Please continue overleaf if necessary)*

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Democratic Services Officer prior to the meeting.

Signed:- .....

*(When you have completed this form, please hand it to the Democratic Services Officer.)*

**PLANNING BOARD**  
**Thursday, 5th October, 2017**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Jarvis, Price, Taylor, R.A.J. Turner, Tweed, Vjestica, Walsh and Whysall.

Apologies for absence were received from Councillors Ireland.

**30.           DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**31.           MINUTES OF THE PREVIOUS MEETING HELD ON 14TH  
SEPTEMBER, 2017**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 14<sup>th</sup> September, 2017, be approved as a correct record for signature by the Chairman.

**32.           DEFERMENTS/SITE VISITS**

Resolved:- That consideration of application RB2017/0550 (demolition of conservatory and triple garage, conversion and extension of outbuilding to create dwellinghouse and formation of new access drive at Newcroft, 19 Woodsetts Road, Gildingwells for Mr. Standfield) be deferred pending a visit of inspection, as agreed by the Planning Board, to enable Members to view the overall layout of the site and the likely impact of the proposed development upon neighbouring properties and the area in general.

**33.           DEVELOPMENT PROPOSALS**

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

(2) That the Planning Board shall make a visit of inspection in respect of application RB2017/0550, as determined by the Board, in order to familiarise Members with the overall layout of the site and the likely impact of the proposed development upon neighbouring properties and the nearby amenity open space.

(3) That applications RB2017/0634 and RB2071/1087 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

**34. UPDATES**

There were no updates to report.

**35. DATE OF NEXT MEETING - 26TH OCTOBER, 2017**

Resolved:- That the next meeting of the Planning Regulatory Board take place on Thursday, 26<sup>th</sup> October, 2017, at 9.00 a.m.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL****PLANNING BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
  - (a) Members may require further information which has not previously been obtained.
  - (b) Members may require further discussions between the applicant and officers over a specific issue.
  - (c) Members may require a visit to the site.
  - (d) Members may delegate to the Director of Service the detailed wording of a reason for refusal or a planning condition.
  - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Director of Planning Regeneration and Culture or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

## SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Director of Planning Regeneration and Culture.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chairman and Vice-Chairman will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chairman should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING REGULATORY BOARD**

**VISIT OF INSPECTION – THURSDAY, 26<sup>TH</sup> OCTOBER, 2017**

1. **RB2017/0550** – Demolition of conservatory and triple garage, conversion and extension of outbuilding to create dwellinghouse and formation of new access drive at Newcroft 19 Woodsetts Road, Gildingwells for Mr. Standfield

Requested by:-                      Members of the Planning Board

Reason:-                              To enable Members to view the overall layout of the site and the likely impact of the proposed development upon neighbouring properties and the area in general.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2017/0550	Gildingwells	9.25 a.m.	9.45 a.m.

***Return to the Town Hall for approximately 10.15 a.m.***

**SITE VISIT NO. 1 (Approximate time on site - 9.25 a.m.)**

<b>Application Number</b>	<b>RB2017/0550</b>
<b>Proposal and Location</b>	Demolition of conservatory and triple garage, conversion and extension of outbuilding to create dwellinghouse and formation of new access drive at Newcroft 19 Woodsetts Road, Gildingwells, Worksop S81 8AU
<b>Recommendation</b>	Grant subject to conditions



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

**Site Description & Location**

The application site is situated to the rear of a large detached two storey dwelling, No. 19 Woodsetts Road, Gildingwells. The site includes part of the property's rear garden and is accessed from a separate access to the host property from between Nos. 5 & 7 Woodsetts Road. The site is approximately 0.23 hectares in area. The current main access to the site is to the side of No. 19 Woodsetts Road.

To the north eastern corner near the access point there is a stable block which was erected in 2009 and is unaffected by the proposals. To the south eastern corner there is a large triple garage which is proposed to be demolished and a large summerhouse with a conservatory which is proposed to be extended and converted into a single dwelling.

**Background**

The site has the following planning history:

RB1980/1676: Residential development - GRANTED CONDITIONALLY 24/07/80

RB1983/0992: Details of dwelling with integral garage (reserved by r80/1676p)

- GRANTED CONDITIONALLY 22/09/83

RB1991/0066: Detached garage - GRANTED CONDITIONALLY 25/03/91

RB1992/0259: Conservation Area consent for demolition of steel framed asbestos clad workshop - GRANTED 16/04/92

RB1992/0350: Replacement of existing steel framed asbestos clad workshop with stone built structure - GRANTED CONDITIONALLY 16/04/92

RB1992/0671: Conservatory - GRANTED CONDITIONALLY 01/07/92

RB2007/1243: Conversion of bungalow to two storey dwellinghouse  
- REFUSED 20/08/07

RB2007/2329: Increase in roof height to form new first floor  
- GRANTED CONDITIONALLY 04/02/08

RB2009/0210: Erection of building to form two stables  
GRANTED CONDITIONALLY 24/04/09.

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 proposal is for the conversion and extension of the existing summer house to form a separate dwelling house. The proposals include the demolition of the existing conservatory on the building and the demolition of the nearby triple garage. The summer house would then be extended and altered to form a dwelling house utilising a contemporary design with extensive use of glazing. The building would be faced in a mixture of local natural stone and timber cladding. The property would have a combination of flat sedum roofs and a standing seam zinc mono-pitched roof.

During the consideration of the proposals an open carport area situated underneath the property has been removed. The dwelling is to be single storey only. The scale of the existing built form on the site is as follows:

Existing Building Volumes (approximate):

Summer house = 250m<sup>3</sup>

Triple Garage = 204m<sup>3</sup>

Conservatory = 120m<sup>3</sup>

Total Existing Volume = 574m<sup>3</sup>

Proposed Volumes:

Kitchen & Living Area = 320m<sup>3</sup>

Bedrooms 2 & 3, Bathroom & Passage = 145m<sup>3</sup>

Master Bedroom, En-suite & Dressing = 75m<sup>3</sup>

Entrance Lobby & WC = 27m<sup>3</sup>  
Total proposed volume = 567m<sup>3</sup>

The submitted Design and Access Statement states that; “the building is designed to resemble a cluster of barn-like buildings wrapping around an external courtyard.” The Design and Access Statement goes on to state that the design and materials “give the building an unashamedly contemporary appearance but within a building that sits comfortably in its context.”

The proposed dwelling would be accessed via the existing access that runs between 5 and 7 Woodsetts Road, and which currently serves No. 5 itself as well as land to the rear of Nos. 7, 13, 15 and 17 Woodsetts Road that is owned by the applicant. This land contains the stable building approved in 2009. The access would be constructed on Grasscrete and would run in a south westerly route to the property. Further to requests from the Council the width of the driveway has been reduced from 5m to 3m.

The applicant has submitted a Tree Survey which identifies which trees would have to be removed as part of the scheme and concludes that they are of low value. The Tree Survey recommends suitable replacement planting at the site.

### **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 ‘saved’ policies from the Unitary Development Plan (UDP).

The application site is located in the Gildingwells Conservation Area and is washed over Green Belt and an Area of High Landscape Value. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS4 ‘Green Belt’

CS23 Valuing the Historic Environment

CS28 ‘Sustainable Design’

Unitary Development Plan ‘saved’ policy(s):

ENV1.1 Development in Areas of High Landscape Value

ENV2.11 ‘Development in Conservation Areas’

HG4.4 ‘Backland and Tandem Development’

### **Other Material Considerations**

South Yorkshire Residential Design Guide.

Interim Planning Guidance - ‘Development in the Green Belt’. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance ‘Environment Guidance 1 – ‘Extensions to dwellings in the Green Belt’ of the UDP.

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 NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Core Strategy / Unitary Development 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 notice, press notice, (Dinnington Guardian) and letters to neighbouring properties as affecting the setting of Gildingwells Conservation Area. The Council received 15 objections to the proposals as originally submitted. The comments received are summarised below:

- Noise and disturbance from the new access drive to the new dwelling.
- Loss of privacy from the new access drive.
- Object to the use of a shared drive for the access to this property.
- Consent from a neighbour would not be granted for use of the shared access drive.
- The new dwelling could cause drainage and potential flooding issues.
- Concerns about the additional sewage from the new property as the houses in this area all have septic tanks.
- Concerns about noise and disturbance during the construction process.
- Not informed about the application.
- Potential devaluation of neighbouring properties.
- Object to a new dwelling in this Green Belt location.
- This is over development of the land and the site has been overdeveloped over the years.
- This is not for a residential property but is for commercial and industrial purpose.
- There are protected species on the site including hedgehogs.
- The design of the dwelling would be out of keeping with the Gildingwells Conservation Area with its futuristic appearance and would harm its character and appearance.
- The new dwelling would clearly be seen within the surrounding area.
- The site will look like an industrial estate.
- Loss of peace and quiet in this rural location.
- The plans need checking in terms of volumes being accurate.
- The Design and Access Statement states that there would be public benefit to the scheme. However, there would not be any benefit to the village unless it was for a starter home or for an agricultural worker.
- It is inappropriate development in the Green Belt and is not infill development and it exceeds the 33% volume increase limit.

- This is inappropriate backland development in this ribbon village.
- This new development would be dangerous in highway safety terms.
- The development harms the openness of the area including the new walls.
- This would be overly urbanising the village.
- This would set a precedent for other forms of similar development in the village.

Further publicity has taken place in respect of the revised plans, removing the underground car port element. The Council has received one additional representation from a neighbouring household. The additional comments raised are summarised below:

- If this application is approved concerns are raised that the conditions would not be complied with. As other developments at the site have not had their conditions complied with and a workshop granted at the site has changed into a summer house without planning permission.
- The access road and turning area would lead to a significant increase in urbanisation of the site.
- It is a new build dressed up as a conversion.
- The buildings at the site should be used for domestic purposes. At the present time 3 businesses are registered at the property.

At the time of preparing the report, four Right to Speak requests have been received from neighbouring residents who wish to object to the application.

### **Consultations**

RMBC - Transportation and Highways Design – 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 in the Green Belt, including impact on openness.
- Design, scale and appearance and impact on Gildingwells Conservation Area.
- Impact on neighbouring amenity.
- Highway safety.
- Other issues raised by objectors.

**Principle of the development in the Green Belt, including impact on openness.**

The site is allocated as Green Belt in the adopted Unitary Development Plan and is also allocated as Green Belt in the emerging Sites and Policies Document (September 2015) and there is no intention to designate this as a potential housing site.

In respect of residential development of the site the Council's Core Strategy Policy CS4 Green Belt states the following: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

The National Planning Policy Framework (NPPF) advocates a presumption in favour of sustainable development and sets out what could make a development unsustainable with regard to economic, social and environmental considerations.

Paragraph 90 of the NPPF states that the re-use of buildings may not represent inappropriate development in the Green Belt provided the buildings are of permanent and substantial construction and that the conversion preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

The Council's Interim Planning Guidance 'Development in the Green Belt' gives the following advice in regards to converting existing buildings:

"The conversion of an existing building is acceptable in principle providing the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, the re-use of buildings is not inappropriate development, provided that the buildings are of permanent and substantial construction.

For a building to be of permanent and substantial construction it must have walls and a roof, be structurally sound and not require significant re-building, cladding or significant external alterations. This would also include a building that would require significant internal alterations to bring it up to habitable standards unless it is desirable to retain the building because of the historic value or visual amenity that it provides.

Whilst the conversion of a rural building is acceptable in principle, it is important that certain design principles and other issues are considered. This supplementary design guidance reviews the conservation and technical issues that arise when traditional vernacular buildings are re-used. Most buildings in this category are agricultural but this guidance applies overall."

In respect of extensions, Paragraph 89 of the NPPF states the following:

"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (amongst other things):

- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan”

The Council’s Interim Planning Guidance ‘Development in the Green Belt’ further states that: “an extension should not exceed more than 33% of the volume of the original building. This section gives guidance to extensions to all types of buildings, including outbuildings such as residential garages. If you want to extend a building in the Green Belt, you should follow the principles laid out in this guidance note.

The NPPF states that limited extensions of existing buildings can be acceptable if they do not result in ‘disproportionate additions over and above the size of the original building’. The NPPF defines ‘Original building’ as: “A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.”

We will take account of the degree to which your building has already been extended, and the effect of any further extension. You will need to consider several factors, such as the design, form and size of your extension.”

The building that would be extended is the original summer house which has a volume of approximately 250 m<sup>3</sup>. This building has already been extended by the addition of a conservatory which has a volume of approximately 120 m<sup>3</sup>, which represents a volume increase over and above the original building of approximately 48%. As such, the building has already been extended in excess of 33% of its original volume.

As the proposed extensions would be way in excess of the 33% volume increase of the original building, the development is therefore inappropriate development in the Green Belt and very special circumstances need to be demonstrated to justify this proposal.

It is noted that the applicant proposes to demolish the existing conservatory and triple garage on the site and extend the existing summer house to form a larger building comprising a single dwelling. The proposal is to form a dwelling that would have a total volume no greater than the existing total volume on the site of 574 m<sup>3</sup>. In addition, permitted development rights are to be removed from the proposed dwelling and the host property preventing the construction of extensions and future outbuildings for both, and in combination these are considered to represent the very special circumstances required to justify the inappropriate development in the Green Belt.

In terms of the impact on openness, paragraph 79 to the NPPF notes: “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Paragraph 86 adds that: “If it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt.” The village is indeed within the Green Belt and the importance of retaining the open character of the village therefore needs to be considered.

On the test of whether the current development represents a “greater impact” on openness it is considered that a greater impact is most likely to be represented by a significantly larger resultant volume than the existing built form on the site. As noted above the proposed development represents a modest overall reduction in volume of

the existing built form on the site and condenses the development into one single building, as opposed to two separate buildings forming a triple garage and a summer house and conservatory. It is considered that the resultant development would not harm the openness of the Green Belt owing to the building having a similar volume to that which it is replacing and the low level single storey flat roofed form of the building. With the above in mind, it is considered that the proposed dwelling would not lead to a greater impact on the openness of the Green Belt.

In conclusion, as the scale of the extensions have been reduced to a volume of no greater than the total volume of the existing buildings on site, namely the summerhouse, conservatory and triple garage, then it is considered that the proposed development would not have a greater impact on the openness of the Green Belt in this location. In addition, it is also recommended that permitted development rights for both extensions and outbuildings to both the host property and the proposed dwelling are removed, such that planning permission would be required for any subsequent building work which could assess any additional impact on the openness of the Green Belt in this location. These are considered to amount to the very special circumstances to justify the inappropriate development in this instance.

### **Design, scale and appearance and impact on Gildingwells Conservation Area**

The site is within Gildingwells Conservation Area and 'saved' UDP Policy ENV2.11 'Development in Conservation Areas' states: "In respect of designated Conservation Areas, the Council:

- (i) will not permit development, demolition and work to trees which would adversely affect their architectural or historic character or visual amenity, except that very limited exceptions to this policy may be accepted when compelling justification exists.
- (ii) Will have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character."

Core Strategy Policy CS23 'Valuing the Historic Environment' states that Rotherham's historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (amongst other things):

- (i) Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough's heritage assets, specifically those elements which contribute to the distinct identity of the borough.
- (ii) The historic grain of the town centre and historic village cores, including street layout and plot sizes.

In this respect the National Planning Policy Framework (NPPF) states at paragraph 132: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, paragraph 56 of the NPPF states that: "Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people."

The proposed dwelling would be formed by extending an existing outbuilding on the site. However, it would be unrecognisable in appearance after the extensions to convert the building into a dwelling house are completed. The design of the proposed dwelling is contemporary in appearance with a largely flat sedum and zinc roof and large areas of glazing facing west overlooking the garden and open fields.

The proposed dwelling is of a unique design and is not vernacular in appearance other than the use of a locally sourced natural stone for the walls. The building would not match neighbouring properties in design terms or form. However, owing to the location of the dwelling it would not be readily visible within public views within the Conservation Area. The dwelling would not be readily visible from Woodsetts Road, being obscured by other dwellings and vegetation. There is a public footpath located approximately 400 metres to the west of the site and it is considered that the proposed dwelling would not be readily visible from it, particularly owing to its low profile.

It is noted that the design of the property would be completely different from any other dwellings in the Gildingwells Conservation Area, however, it is considered to be of a high quality design. The test for new developments in Conservation Areas is whether or not the development would preserve or enhance the designated heritage asset. In this instance it is considered that the design of the dwelling would enhance the character and appearance of Gildingwells Conservation Area though would at the same time have a fairly low visual impact upon it as it is not clearly visible within public views.

It is therefore considered that in spite of its highly contemporary design the proposed dwelling is acceptable in design terms, mainly on the basis that it would have very little visual impact on the Conservation Area though would at the same time provide a high quality designed new dwelling.

The dwelling would have a very long driveway that would wind its way through the site across the edge of a former paddock area. Whilst this is not ideal it is noted that the surfacing of the driveway would be grasscrete and therefore would not have a significantly urbanising impact on the surrounding area and is not considered to harm the Conservation Area or the rural nature of the surrounding area.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design which will comply with the general advice within the NPPF and Core Strategy Policies CS23 'Valuing the Historic Environment' and CS28 'Sustainable Design' along with UDP Policy ENV2.11 'Development in Conservation Areas.'

In terms of the impact on the Area of High Landscape Value, Policy ENV1.1 Development in Areas of High Landscape Value of the UDP states that: "In Areas of High Landscape Value, development other than for agriculture will only be allowed where it will not result in a significant and permanent adverse impact on the landscape." It is noted that the proposed dwelling would condense the volume on the

site into a single dwelling of a high quality design. It is considered that as such, it would have a reduced impact on the Area of High Landscape Value and would not have a significant impact on the landscape in this built up location within the village.

### **Impact on neighbouring amenity**

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should (amongst others):

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”

‘Saved’ UDP Policy HG4.4 ‘Backland and Tandem Development’ is supplemented by ‘Saved’ Housing Guidance 3: Residential infill plots.” The Council’s inter-house spacing standards outlined within this Guidance indicate that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

The guidance goes on to state that “where there is potential for loss of amenity to the adjacent dwellings, the dwelling should be either single-storey with a double pitched roof or should only have rooms in the roof with roof lights.”

Furthermore the South Yorkshire Residential Design Guide (SYRDG) is considered to be of relevance in assessing the appropriateness of this development, in particular Chapter 4A, section A.1, paragraph A.1.1 states “Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses / bungalows should be at least 50 sq. metres; for three or more bedroom houses / bungalows, 60 sq. metres. Smaller gardens may be acceptable in corner zones or blocks if privacy and day lighting can be maintained.”

It is noted that the proposed dwelling would accord with the aforementioned distances and spacing standards and is considered that owing to the location of the proposed dwelling in relation to neighbouring properties, it would not appear overbearing or harm the outlook or overshadow neighbouring residents. Furthermore, it is considered that owing to the design of the dwelling it would not overlook neighbouring properties.

It is noted that the site is reasonably close to other residential properties and that neighbouring residents have raised concerns about noise and disturbance from the increased use of the access drive and that this would negatively impact on their residential amenity. Whilst this is noted it is considered that the level of traffic likely to be generated from a 3 bedroom dwelling would not be so great as to cause material harm to the amenity of neighbouring residents. It is further noted that neighbouring residents have raised concerns about the impact on the general peace and quiet of this rural area. Whilst this is noted it is considered that the dwelling is converting ancillary residential accommodation which can be used for residential purposes at the current time. Though it is accepted that the proposal is likely to increase the level of activity at the site, it is considered that this would not lead to harm to neighbouring residents in

terms of noise and disturbance to lead to any significant harm to their residential amenity.

As such, taking account of the above, it is considered that the proposed development would be in accordance with the advice contained in paragraph 17 of the NPPF and would not significantly harm the amenity of neighbouring occupants.

### **Highway safety**

Turning to the issue of highway safety, it is noted that neighbouring residents have raised concerns about the proposed access in highway safety terms. However, the Council's Transportation Unit raise no objections to the proposals in highway safety terms subject to a recommended condition relating to the parking areas being suitably hard surfaced. It is noted that they raise no objections in terms of highway safety during the construction phase and as the proposal would use an existing access and only serve one additional dwelling it is very unlikely to create any harm to highway safety.

### **Other issues raised by objectors**

A number of other issues were raised by objectors which included loss of value to neighbouring properties and concerns over the use of a shared driveway which they did not want the applicants to use. Whilst these are noted they are not material planning considerations and cannot be taken into account in the consideration of the application. However, the applicant has confirmed that they own the access road to the site in question.

It is noted that neighbouring residents have raised concerns that the applicant would be using the property for commercial purposes in relation to running a business from home. Whilst this is noted, the application is for residential development and that is all that is being considered as part of this application. The applicant has confirmed that the site would not be used for commercial purposes and if it was, at a level that constituted a material change of use, then this could be dealt with as an enforcement matter.

Concerns were raised by a neighbouring resident who thought that the applicant would not comply with conditions attached to any planning permission granted in this respect, as they have not previously adhered to conditions. Whilst this is noted there is no reason to assume that this will be the case. The neighbouring resident also raised concerns about a change of use from a workshop on the site to a summer house without planning permission. Whilst this is noted the accommodation was ancillary outbuildings and the change from a workshop to a summer house would not constitute a material change of use.

It is noted that a neighbouring resident raised concerns that they had not been consulted on the application by letter. This was an error and the neighbour was notified in writing to rectify this.

Concerns were raised about the impact on the septic tank at the site and whether it could cope with an additional dwelling. The applicants have responded to this and have stated that the applicant has recently installed a separate septic tank system which is designed to accommodate a 12 person capacity, therefore should not overload the neighbour's septic system.

It is noted that neighbouring residents raised concerns about the harm to wildlife at the site. Whilst this is noted the land in question for the new dwelling is currently a private garden area and therefore the ecological impact of the development is likely to be very low. In addition, concerns have been raised that the development would set a precedent for other similar developments though it is considered that the unique nature of this application would not set a precedent for similar developments within the locality, and in any event, each application has to be considered on its own merits..

## **Conclusion**

In conclusion, whilst the extensions proposed to the existing building exceeds the 33% limit, there are very special circumstances in this instance to justify the inappropriate development, being the demolition of existing structures on site and the removal of permitted development rights.

It is considered that the siting and design of the property would not harm the outlook of neighbouring residents or lead to any overlooking. It is also considered that the development is acceptable in appearance and would not harm the character and appearance of the Gildingwells Conservation area owing to its design and private location, not being clearly visible from public views. Furthermore, it is considered to be acceptable in drainage, ecology and highway terms subject to the recommended conditions.

As such, Members are requested to grant planning permission in line with the recommendations in this report.

## **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) (Drawing numbers, (PL) 001Rev PL3)(Received 18/09/2017) (PL) 005 Rev D/(PL) 006 Rev A / (PL) 007 Rev A)(Received 05/09/2017)

Reason

To define the permission and for the avoidance of doubt.

03

Before the development is brought into use, the access track and parking/turning areas shall be constructed with grasscrete, unless otherwise agreed in writing with the Local Planning Authority, and shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that the dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment', and to reduce the impact on the character and appearance of the Green Belt in accordance with Core Strategy Policy CS4 'Green Belt.'

04

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

05

No development above ground level relating to the construction of the extensions shall take place until details of the external materials to be used in its construction have been submitted or samples of the materials 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 in accordance with Core Strategy Policy CS28 'Sustainable Design.'

06

Prior to the occupation of the dwelling hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority of. The approved boundary treatments shall be completed before the dwelling is first occupied and shall thereafter be retained and maintained for the lifetime of the development.

Reason

In the interests of the visual amenity and to prevent overlooking in accordance with Core Strategy Policies CS21 'Landscaping,' and CS28 'Sustainable Design,' and the advice within the NPPF.

07

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or enlargements shall be made to the property hereby approved and no outbuildings shall be constructed within its defined garden area without the written consent of the Local Planning Authority.

Reason

To protect the openness of the Green Belt in accordance with Core Strategy Policy CS4 'Green Belts'.

09

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or enlargements shall be constructed to the property known as Newcroft, 19 Woodsetts Road, and no outbuildings shall be constructed within its newly defined garden area without the written consent of the Local Planning Authority.

Reason

To protect the openness of the Green Belt in accordance with Core Strategy Policy CS4 'Green Belts'.

**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 Rotherham 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.

**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.

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THURSDAY 26 OCTOBER 2017**

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.

**INDEX PAGE**

<p><b>RB2017/0650</b> Construction of a mixed use centre for retail and services (Use Classes A1 and A2), food and drink (Use Classes, A3, A4 and A5), gymnasium (Use Class D2), offices (Use Class B1a), health centre with associated pharmacy and community centre (Use Class D1), veterinary clinic (Sui Generis) and associated car parking, bus station, servicing, landscaping, public realm and groundworks, vehicular and pedestrian access/egress and related infrastructure at land off Highfield Spring, Waverley for Waverley Square Limited</p>	<p><b>Page 23</b></p>
<p><b>RB2017/0743</b> Application under Section 73 for a minor material amendment to vary conditions 2, 3, 4, 6, 7, 8, 14, 16, 22, 24, 37 &amp; 39 imposed by RB2015/1460 (Outline application for Waverley New Community) which relate to the Masterplan Development Framework and Principles Document, floorspace limits of none residential use classes and highway improvement works at Waverley New Community, off High Field Spring, Waverley for Harworth Estates</p>	<p><b>Page 82</b></p>
<p><b>RB2017/0933</b> Reserved matters application (details of appearance, landscaping and layout) for the erection of 44 dwellinghouses reserved by outline RB2015/1460 at Waverley New Community, Phase 1J, Highfield Spring, Waverley for Sky House Company Ltd</p>	<p><b>Page 104</b></p>
<p><b>RB2017/1162</b> Demolition of existing dwellinghouse &amp; erection of 2 No. dwellinghouses, 33 Arlington Avenue, Aston for PTS Developments</p>	<p><b>Page 128</b></p>
<p><b>RB2017/1191</b> Outline application for the erection of 1 No. dormer bungalow and replacement garage for host property with all matters reserved, on land rear of 56 Manvers Road, Swallownest for Ms W Ellis</p>	<p><b>Page 139</b></p>

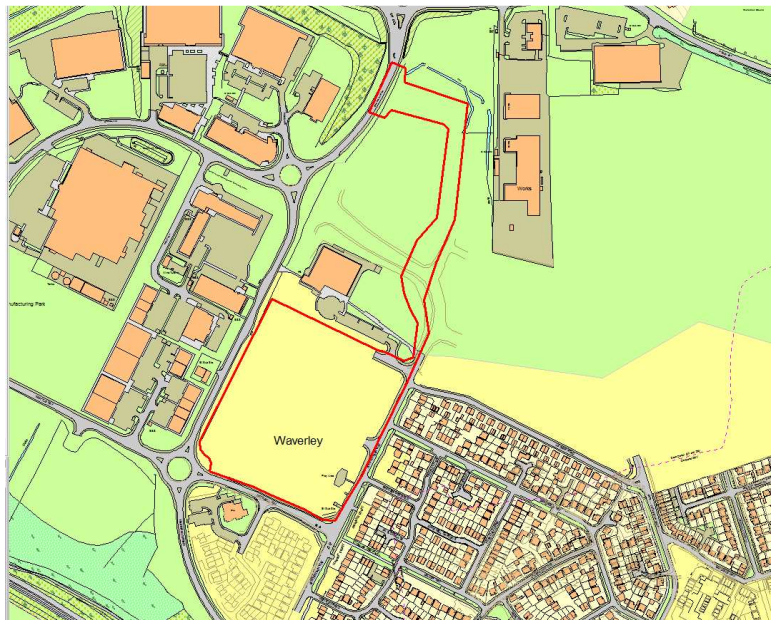
**RB2017/1250**

**Two storey extension to Block H and extension to the main car park, Wath-upon-Dearne Comprehensive School, Sandygate, Wath-upon-Dearne. S63 7NW for RMBC**

**Page 149**

<b>Application Number</b>	<b>RB2017/0650</b>
<b>Proposal and Location</b>	Construction of a mixed use centre for retail and services (Use Classes A1 and A2), food and drink (Use Classes, A3, A4 and A5), gymnasium (Use Class D2), offices (Use Class B1a), health centre with associated pharmacy and community centre (Use Class D1), veterinary clinic (Sui Generis) and associated car parking, bus station, servicing, landscaping, public realm and groundworks, vehicular and pedestrian access/egress and related infrastructure at land off Highfield Spring, Waverley
<b>Recommendation</b>	<p>A. That the application be referred to the Secretary of State (National Planning Casework Unit) under the Town and Country Planning (Consultation)(Direction) 2009, due to the application consisting of in excess of 5,000 sqm of retail and office use in an out of centre location</p> <p>B. That subject to the National Planning Casework Unit not calling in the application for determination, the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



### Site Description & Location

The site extends to approximately 7.06 hectares and is relatively flat with a level change of approximately 7m sloping downwards from the Mitchell Way Roundabout to the intersection of Stephenson Way and Waverley Walk. It is currently vacant and

largely undeveloped with the exception of a temporary play area located on a small area, accessed off Stephenson Way.

The site is bounded to the west by Highfield Spring, the spine road that serves the Waverley development, with industrial buildings associated with the AMP beyond. To the east, the site is bound by Stephenson Way with residential properties beyond. The southern boundary of the site is formed by Mitchell Way, with the Winter Green public house beyond, together with residential properties that are under construction. The Sheffield University Training Centre is located to the north.

Whilst the main area of the site is roughly square shaped, the red line area of the planning application also extends to the North to include land which will be required to form a new access road to the site from Highfield Spring connecting with Stephenson Way.

### **Background**

Planning applications relevant to this application site include the following:

- RB2000/1436 Outline application for the development of first phase of advanced technology park including uses in class B1, offices, research and development/industry – Granted 07/03/01 – Subject of a legal agreement.
- RB2003/0046 Outline application for development of advanced manufacturing park including business uses in classes B1 & B2 with related infrastructure and landscaping – Granted 06/04/05 – Subject of a legal agreement.
- RB2004/1571 Outline application for B1 (Business), B2 (General Industrial), B8 (Storage and Distribution), hotel, railway station and ancillary leisure & retail development including details of the means of access – Granted 28/01/08 – Subject of a legal agreement.
- RB2008/1695 - Outline application for development of B1 Offices (60,000m<sup>2</sup>), hotel and ancillary retail & leisure facilities including details of access – Granted Conditionally 01/04/2011

### **Environmental Impact**

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and meets the criteria set out in column 2 of the table. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

### Community Infrastructure Levy

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.

### **Relationship with the New Community Consent**

The site lies immediately adjacent to the Waverley New Community (WNC) which was originally granted planning permission for 3890 dwellings and associated uses in 2010. The approved application proposed 16,023sq.m of commercial/employment floorspace, including 5,400sqm of A1 to A5 floorspace within three separate mixed use centres.

The latest outline planning permission for WNC (RB2015/1460) allows for the permitted mixed use local centres to contain up to 5,400 sqm of A1 – A5 uses. Condition no. 6 states that *“floorspace within Use Classes A1, A2, A3, A4 and A5 hereby approved shall not exceed 5,400sqm.”* The reason given for this is *“the outline planning application proposes 5,400sqm of floorspace within use classes A1, A2, A3, A4 and A5 which the Council considers sufficient to achieve the objectives of policy RET6 ‘Local Shopping Provision’ of the adopted Rotherham UDP (adopted June 1999)”*.

A further condition (no. 8) states that a minimum provision of 1,300 sqm of Class A1 floorspace and a maximum of 1,900 sqm shall be provided within the development. The reasons being *“to ensure the retail floorspace is of the type and scale for which a need has been identified and which is appropriate to the scale of the neighbourhood centre, in accordance with Policy RET6 ‘Local Planning Provision’ of the Adopted Rotherham UDP and with Paragraph 26 of the NPPF.”*

The development proposed as part of this application is intended to replace the consented Waverley Square local centre and Mixed Use Link that forms part of the WNC consent. Accordingly the applicant has submitted an application for a minor material amendment under S.73 of the TCPA (ref: RB2017/0743) to seek consent for amendments to the latest approved Master Plan Framework and Principle Documents (August 2014) which if approved will bring it in line with the agreed Highfield Commercial Masterplan Development Framework Document which accompanies Policy SP69. This will include the replacement of the Waverley Square local centre retail uses and surrounding land with residential, community (e.g. crèche/nursery) and educational uses (primary school). Pursuant to this, retail (A1 - A5) floorspace across the WNC site would be reduced to a maximum of 1,300sq m (and relevant planning conditions varied accordingly) to be located at the Waverley Waterside which is now intended to be secondary centre to the proposed main mixed use centre on this application site.

### **Proposal**

This is a full application for the erection of a mixed use centre comprising of the following floorspace:

Use	Description	Gross Floorspace (sq.m)
Class A1/A2/A5	Retail/Financial & Professional Services/Hot Food Takeaways	10,157
Class A3/A4	Restaurants/Drink Establishments	2,478
Class D1	Health Centre (including associated pharmacy) Well North(health facility) and community centre	1,099
Class D2	Gym	565
Class B1(a)	Offices	3,547
Sui generis	Bus Station, Plant Room Veterinary Clinic	440
<b>TOTAL FLOORSPACE</b>		<b>18,286</b>

The layout of the site has been designed around a courtyard scheme which responds to the square shape of the site. Blocks F & G are located on the western elevation adjacent to Highfield Spring and comprise of a two storey building (Block F) accommodating retail at ground floor with office units above. Block G is single storey and provides 6 retail units and a single food and drink unit.

Along the southern elevation with Mitchell Way are two, two storey units (Blocks H & A) connected by a pedestrian bridge at first floor. Block H provides a health centre and pharmacy at ground floor whilst the first floor floorspace is identified for a community centre, Well North health facility and two separate offices. Block A, which lies immediately adjacent to Block H is shown to provide 6 separate retail units at ground floor and a gym and 3 offices units at first floor.

The eastern elevation which lies adjacent to the residential properties on Stephenson Way incorporates 4 retail units within Block B whilst the adjoining Block C proposes four retail units and a single food and drink unit at ground floor whilst at first floor three separate offices are proposed. To the rear of Block B is a dedicated service yard with a boundary wall screening it from Stephenson Way.

The northern elevation comprises of Blocks D and E. Block D is two storey and consists primarily of food and drink uses at ground floor with offices above whilst Block E will accommodate the bus station, including three bus bays and eight separate retail units at ground floor with separate office space above. To the rear of these blocks is a dedicated service yard and two separate staff parking areas offering provision for 93 vehicles. A pedestrian link is also provided from the adjacent University Training Centre to Block E

Pedestrian access to the site from Highfield Spring is proposed via the construction of a new bridge which will link the site at street level to the first floor of Block F. An additional pedestrian access is shown between Blocks C and D which will be a continuation of Waverley Walk which is the primary route through the Waverley New Community linking the lakes to the employment offer within the AMP.

The proposed external materials on the buildings comprise of Fellstone Buff stone with reconstituted ashlar stone cills and red brickwork, together with cement slate roof tiles.

The proposal also includes hard and soft landscaping works particularly along the primary pedestrian links through the development and structural and amenity planting within the site.

The central area within the courtyard is accessed off Mitchell Way and provides sufficient space for 484 car parking spaces, comprising of tegular block paving within circulation areas with landscape areas of shrubs and hedges linking natural stone materials for the pedestrian walkways.

A separate access road linking the site with Highfield Spring to the north east of the site is also proposed.

### Supporting Documents

The application is supported by the following documents:

- Planning Statement:
- Retail Assessment
- Design and Access Statement:
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Drainage Strategy
- Noise Impact Assessment
- Service Yard Management Plan
- Extended Phase 1 Habitat Survey, Breeding Bird Survey & Preliminary Ecological Assessment
- Coal Mining Risk Assessment
- Geo-environmental Site Assessment

### **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 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Industrial and Business purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS2 'Delivering Development on Major Sites'
- CS3 'Location of New Development'
- CS9 'Transforming Rotherham's Economy'
- CS12 'Managing Change in Rotherham's Retail and Service Centres'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS19 'Green Infrastructure'
- CS20 'Biodiversity & Geodiversity'
- CS21 'Landscape'
- CS22 'Green Space'
- CS25 'Dealing with Flood Risk'
- CS28 'Sustainable Design'
- CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

- EC3.1 'Land Identified for Industrial and Business Uses'
- EC3.3 'Other development within Industrial and Business Areas'
- EC3.5 'Industrial and Business in Relation to Sensitive Areas of Land-Use'
- ENV2 'Conserving the Environment'
- ENV3 'Borough Landscape'
- ENV3.2 'Minimising the Impact of Development'
- ENV3.7 'Control of Pollution'
- ENV4.4 'Contaminated Land'
- RET1 'Town Centres'
- RET2 'New Retail Developments'
- RET6 'Local Shopping Provision'
- T4 'Traffic Management'
- T8 'Access'

Emerging Sites and Policies DPD policy(s):

- SP69 'Mixed Use Area 21: Highfield Commercial, Waverley'

**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 NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

### **Publicity**

The proposal was advertised by way of a press notice, on site and via letters to adjacent residents. A total of 29 representations have been received, 5 of which wish to make observations on the detail of the scheme, 12 object to the proposals whilst 12 are in support. Additionally a petition containing 202 signatures has been received objecting to the proposals.

The comments received are summarised as follows:

#### Observations:

- What assessment has been made of how road safety will be affected?
- Will there be any safety measures to aid crossing on Stephenson or Mitchell Way, how many cars will be expected to use these roads?
- How will traffic flow out of the estate, along the Parkway be affected at peak times?
- Will delivery times and size of delivery vehicles be restricted?
- The inclusion of community facilities are welcomed but it is worrying that no kitchen or toilet facilities are included.
- It is disappointing that no indoor recreational facilities are included in the plan except for the gym.
- The size and type of supermarket is of significant concern.
- There are no details of the analysis determining the number of car parking spaces needed
- Waverley is promoted as a green development. Currently the plans read like any other development, without any clear, meaningful commitment to the environment.
- What street lights and CCTV will be provided and will they be visible all day and night?
- What is the anticipated office demand, will it be possible to hire some of the spaces as meeting rooms?
- The AMRC Training Centre suffers from lack of parking for approx. 20 to 30 vehicles every day, this results in cars being parked on pavements resulting in the service bus not being able to access Lescar Road on regular occasions, This needs to be resolved prior to the proposed development taking place.
- Will parking restrictions be enforced on unadopted roads?
- Adequate parking restrictions in the surrounding area should form part of the planning restrictions, preventing cars clogging up local roads.
- The hours of operation for the businesses that occupy the site should be considered along with restrictions on when deliveries can take place.
- The need for another budget foodstore is questionable; the community should be consulted on possible tenants for this unit.
- I generally support the application but urge you to carefully consider parking and the impact insufficient spaces will have on residents. It is already a real issue with a lack of parking spaces at the AMRC and I fear this may worsen if enough thought is not given to the road/parking infrastructure at this point.

- The travel plan seems aspirational and unlikely to deter those working on the site from driving in. 93 parking spaces for, what has appeared in the press as 700 jobs, does not appear sufficient and will surely result in street parking into the estate. The aspirational aims of the AMRC training centre and the balance between cars/public transport and cycling did not work and this is likely to go the same way. There has to be sufficient parking for customers and staff
- The travel plan outlines how staff will come down Stephenson way. This road is already becoming a main road with the current levels of traffic and, with the buses and the extra traffic, will not be akin to a residential street. As with my other comments, there must be an extra road built to take buses, AMRC and the staff away from Stephenson Way. The amount of extra traffic that the centre will bring to the road is not conducive for a residential street.
- The supermarket will be a significant issue for the residents who live across from/near to the delivery gates. The times outlined for deliveries are not conducive for a residential area. There should be some restrictions on the time that deliveries can be made at night as the times outlined are far too late. A number of families live in these houses whose small children are of school age. The noise from the reversing alarm will be disturbing and so should be restricted between the hours of 8pm and 7am. This is not unreasonable on a residential street.
- Why has the supermarket been moved onto the residential side of the estate. It was far better for residents when this was on the side where there were no houses.
- I ask that the council take the impacts that the current plans will have on nearby residents into account and ensure that there is sufficient parking and infrastructure in place. Can the council place a condition that the supermarket is moved away from residents as it originally was and that a road is built to prevent Stephenson Road becoming a overly busy street.
- The TA overlooks that the office use will be limited to Monday to Friday. Therefore the staff car park is undersized for weekday demand, but will be oversized and underutilised at the weekend. Conversely, the proposed 491 visitor spaces will very likely be sufficient during weekdays when demand is lower, but would be insufficient at the weekend when demand is higher. This means on weekdays there will be too many staff parking on residential streets but a partially empty visitor car park, and on weekends there will be too many visitors but a partially empty staff car park. A different solution is therefore required which reconfigures the proposals so that staff and visitors can share all spaces more efficiently, and staff are not actively encouraged/forced to park outside the development.

### Objections

- Comments made during the consultation have not been taken into account;
- The houses on Stephenson Way will be adversely affected by the lack of a meaningful and funded travel and transport plan to reduce existing traffic and mitigate the impacts of further cars coming into the estate;
- The Council needs to implement conditions to divert AMRC and bus traffic away from Stephenson Way;
- A further consultation should be held owing to the significant changes that have been made to the plans including the relocation of the supermarket to

Stephenson Way and the impacts that deliveries and the access road will have;

- The supermarket should be relocated elsewhere to prevent an increase in noise and disturbance from occurring as a result of large vehicles delivering goods. The smaller boutique stores would be much more appropriate in this location.
- We are concerned about the amount of rubbish that will be generated from the supermarket;
- The massing and scale of Block B is too great and will have a negative effect on the outlook from residential properties on Stephenson Way.
- The service yard to the rear of Block B does not appear to have been designed with a suitable vehicle tracking path;
- The large retail unit in Block F does not appear to have adequate delivery/serving areas;
- The monotonous appearance of the rear elevation of Block B seems a little overbearing, architects should consider reflecting Blocks A and H in this respect;
- The car parking allocation is terribly underestimated. If this development is to be successful, without having a negative impact on residents thought should be given to providing a sufficient number of parking spaces in suitable locations;
- The Travel Plans do not take into account or address the existing issues on Stephenson Way and surrounding roads and could compound them further, bringing more parking and traffic issues into the area;
- What additional buses or changes to existing services would occur? Are the three stands shown in the bus station sufficient to deal with demand?
- Road calming measures should be applied on Stephenson Way to slow speed and ensure the safety of pedestrians;
- Will the new access road contain a bus gate to allow only buses access? If so how will this be enforced?
- The location of the site office and contractor parking should be conformed to ensure there is no impact on surrounding residents and to maintain the operation of the no. 72 bus;
- What provision is being made for visitors to the offices given the 3 hour parking restriction proposed?
- The access roads in the Waverley site are not suitable for goods traffic due to noise and environmental concerns;
- The main entrance to the development will be opposite the Winter Green PH where there are already major traffic problems especially when the pub is busy, the entrance would be better placed off Highfield Spring;
- The community area is not large enough to service the Waverley community.

In addition a petition containing 202 signatures has been received. This objects to the proposals on the grounds that *“the size and scale of this proposed site and the ramifications applied to all residents.”*

### Support

- The proposed development will be fabulous for the Waverley community and the proposals are fully supported;
- There is a desperate need for these shops;

- The health centre and pharmacy will be a godsend as this will be within walking distance from where I live and extremely useful for our family;
- Fully supportive of the proposals but the community should be allowed to vote on the supermarket operator;
- We have been waiting for a very long time for this retail development and I am strongly in favour of these plans;
- The current plans look outstanding and will hopefully benefit all who live not just in our community but in the surrounding areas;
- This development is something that Waverley desperately needs; I hope the Council will be quick to progress this through planning.
- Our new community would benefit greatly from a development of this kind. It would provide us with a community hub and town centre identity which is something which can often be missing from new housing developments.
- It would attract business and trade from outside the area and put Waverley on the map and make our area more appealing to live in, to visit and to invest in.
- The growth in population due to the new housing developments at Waverley will bring a rising demand for new jobs which will provide stability for future generations.
- There is a demand for such a scheme to be built in Waverley to accommodate for the current residents and the additional 3,400 houses which are set to be built over the coming years
- After attending the public consultation event and looking over the plans it is clear that Dransfield and Harworth will deliver a high standard development with modern architecture providing a real point of attraction for the area.

In addition to the above the following additional three letters of support have been received:

Rolls-Royce

*"The common consensus among businesses and resident at the AMP and Waverley is that the area lacks a local heart including supporting amenities such as shops, eating establishments and community facilities.*

*As business growth at the AMP continues to expand, the need for such facilities will become more acute. Like other business at Waverley, we believe that the plans submitted by Harworth Group provide the necessary scale and ambition to match the quality of existing occupiers at the AMP and will create a vibrant heart to the wider development that Rotherham and the wider Sheffield City Region can be proud of".*

Rt Hon Sir Kevin Barron MP and Sarah Champion MP

*"If these plans are accepted, we believe this development will prove to be a major factor in the regeneration of the Waverley site, not only linking up with the Advanced Manufacturing Park and serving the new residential area, but also providing Rotherham and Sheffield with high quality retail, office and leisure facilities.*

*We hope the Council will give the go-ahead for this development. Not only are the visual plans for this venture extremely aesthetically pleasing with beautiful landscaping and architecture, but the development will provide jobs for hundreds of people, something to be greatly welcomed in this area of high unemployment."*

Treeton Parish Council

*I have been asked by the members of Treeton Parish Council to add their support to the application submitted on behalf of Dransfield Properties. Following a recent presentation by them to the Parish Council, councillors are aware of the Fox Valley project which they undertook and other projects of a similar nature and feel confident that they can create a similar successful scheme at Waverley.*

Statement of Community Involvement (SCI)

In support of the application the applicants have submitted a SCI detailing the consultation events which took place prior to the submission of the application. A later addendum was submitted in late September outlining the activity following the submission of the application. These events are summarised below:

Pre-submission Consultation Event

- October 14<sup>th</sup> 2016 – Community Exhibition at the AMP attended by the Applicant and design team – approximately 170 individuals attended. 91% of residents were broadly supportive of the proposals, 3% unsupportive whilst 6% were undecided.

Additional Meetings

- May 15<sup>th</sup> 2017 – update with Jamie Baggaley at the AMP Technology Centre at Waverley with Amanda Holmes; Communications Director at Dransfield Properties.
- June 23<sup>rd</sup> 2017 – update with Julie Derbyshire from the Waverley Residents Association (WRA) at Dransfield Properties, Fox Valley with Amanda Holmes.
- August 16<sup>th</sup> 2017 – update with Julie Derbyshire from the WRA at the Winter Green, Waverley with Amanda Holmes.
- September 6<sup>th</sup> 2017 – update with Emma Thompson manager of the Winter Green public house and restaurant at Waverley with Emily Hughes, PR Assistant at Dransfield Properties.

Parish Council Events

- Treeton Parish Council - Meeting held on 27<sup>th</sup> March 2017. Attended by Mark Dransfield; MD of Dransfield Properties, Amanda Holmes at Dransfield Properties, Dave Hale; Development Surveyor at Dransfield Properties, Clerk to the Parish Council Chris Brown plus all eight Parish Councillors.
- Orgreave Parish Council - Meeting held on 18<sup>th</sup> May 2017. Attended by Amanda Holmes at Dransfield Properties, Dave Hale at Dransfield Properties, Clerk to the Parish Council Deborah Morris and five Parish Councillors.
- Catcliffe Parish Council - Meeting held on 7<sup>th</sup> June 2017. Attended by Amanda Holmes at Dransfield Properties, Dave Hale at Dransfield Properties, Gavin Ward; Dixon Dawson Architects, Acting Clerk to the Parish Council Darren Hughes and seven of the parish councillors.

- Brinsworth Parish Council - Meeting held on 15th June 2017. Attended by Amanda Holmes at Dransfield Properties, Dave Hale at Dransfield Properties, Clerk to the Parish Council Peter Wilkinson and all eleven Parish Councillors.

#### Additional Pop up Event

- Catcliffe Memorial Hall – 27<sup>th</sup> June 2017. Organised to update residents on the development plans since the application had been submitted. Approximately 35-40 people attended throughout the session. Everyone was invited to fill in a feedback form and 19 members of the public who attended took the opportunity to do so. Of those who filled in a feedback form 13 indicated that they were fully or broadly supportive of the development plans, two were not in favour and four were undecided.

### **Consultations**

RMBC - Transportation and Highways Design – have assessed the impact of traffic associated with the development which shows that it will have some effect on local traffic. It is however located within a sustainable location with good walking, cycling and public transport infrastructure. Provision of car parking has the potential to cause problems if not carefully monitored, however the developer has confirmed that funding will be made available should it be necessary to control on street parking via a Traffic Regulation Order (TRO). With proper attention to the details of travel planning and public transport provision, the site can be developed with a minimum of impact on the local highway network. Subject to the imposition of conditions requiring detailed design of the roads and their timescales for construction, no objections are raised.

RMBC - Landscape Design – raise no formal objections and largely support the development. It is considered it has potential to provide high quality public realm and local services to the new residential community and support the continued growth of the AMP. A number of conditions are recommended requiring the submission of details and implementation of works associated with the public realm and landscaping along the new access road.

RMBC – Ecologist - have confirmed that the Extended Phase 1 Habitat Survey, breeding bird survey and preliminary ecological assessment has been carried out in accordance with relevant guidance. Accordingly no objections are raised subject to a condition requiring suggested mitigation methods are carried out in full.

RMBC – Drainage – raise no objections to the proposed development subject to the imposition of conditions requiring full details of foul and surface water drainage and a flood route plan.

RMBC - Environmental Health (Noise) – originally raised concerns regarding the potential for unacceptable noise levels resulting from the location of the service yard on the Stephenson Way frontage, however following the submission of a Service Yard Management Plan, these concerns have been addressed and subject to conditions restricting the development to be carried out in accordance with the measures outlined in the Plan, no objections are received.

RMBC - Land Contamination – have confirmed that remediation and validation works have been undertaken in the past to a satisfactory standard that the site was considered to be fit for use in terms of both geotechnical stability and contamination risks. Despite this it is considered likely that some remedial works will be required to bring the site to a suitable condition to be protective of human health for its proposed end use. In this regard no objections are raised to the proposed development subject to conditions requiring these remedial works.

RMBC – Public Rights of Way – have confirmed that the route of Catcliffe Footpath No.8 was diverted some time ago to run down the adopted highway of Stephenson way which would appear to be just outside of the proposed development area and as such should be unaffected by the proposals.

RMBC – Green Spaces - acknowledge that the application necessitates the relocation of the existing temporary play facility on the site. This will be subject to separate details to be conditioned on any future planning permission.

Highways England raise no objections to the proposed development.

South Yorkshire Passenger Transport Executive acknowledges that the site lies within a larger permitted development and next to bus routes. The site is currently served by 2 bus services, 72a (2 an hour) and the A1 (2 an hour) giving a 4 buses an hour service with stops on Highfield Spring and a 2 buses an hour(service 72) which stops on Stephenson Way. The proposed interchange would present the opportunity to encourage more buses into the site and any additional bus services will help to improve service frequency and help to encourage public transport use. The proposed new access via the link road and bus gate is critical to the success of the interchange as it will provide a more direct route into the interchange improving journey times and potentially attracting additional services. Without this link the Services would not be able to serve the interchange as the time penalty of traveling around the development site would be too great. This would also mean there would be a requirement for additional bus stops on Stephenson Way.

The Coal Authority – confirm that the site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site has been subject to past surface mining operations. A Coal Mining Risk Assessment has therefore been carried out and the Authority raise no objection subject to the imposition of a planning condition requiring appropriate construction measures are used to address the coal mining legacy.

Environment Agency.- confirm that no objections are raised to the proposed development.

Yorkshire Water – raise no objections to the proposed development subject to a condition requiring the submission of details relating to foul and surface water drainage.

South Yorkshire Archaeology Service – confirm that the proposed development has no archaeological implications, as it lies within an area of previous opencast extraction. For this reason, they do not wish to comment on the application.

Health and Safety Executive – confirm that the proposed development site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.

South Yorkshire Fire and Rescue – have provided comments confirming that the proposals appear to be satisfactory in respect of fire service access to the new buildings.

## **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 issues to take into consideration in the determination of the application are

–

- The Principle of Development
- Economic and Employment Considerations
- Design, Layout and Visual Amenity
- Transportation Issues
- Landscape and Public Realm
- Ecological Considerations
- Impact on Living Conditions
- Drainage and Flood Issues
- Geotechnical Issues
- Other Matters

## **The Principle of Development**

The development plan for the application site comprises saved policies in the Unitary Development Plan and the Core Strategy. The Council are also in the process of preparing the Sites and Policies Development Plan Document ('SPDPD') and, once approved, will sit alongside the Core Strategy and replace the remaining saved policies in the UDP.

Another material consideration for this application is the National Planning Policy Framework ('NPPF') and, in particular, Section 2 insofar as the retail, leisure and other main town centre elements of the proposal are concerned. The NPPF is supported by the National Planning Practice Guidance ('NPPG') which assists applicants and decision makers with the application of national policy in the NPPF.

Within the UDP proposals map, the application site is allocated for business and industrial uses (employment land), although it should be noted that the adoption of the UDP came prior to the emergence of the proposals for Waverley New Community (WNC).

### Loss of Employment Land

The application site is currently allocated as employment in the adopted UDP wherein policies EC2 and EC3.1 apply. These policies, together with policy E3.3, require an adequate supply of land for the Borough's anticipated industrial and business needs to be available at any time for development. Other non-industrial and business development can be permitted provided that they are either ancillary to the primary use of the area, or would provide significant employment and there are no suitable alternative locations available, no land use conflicts and the proposals significantly increase the range and quality of employment opportunities in the area.

In this regard as part of the evidence base for the emerging Sites and Policies DPD, Harworth have provided evidence to justify the loss of employment land. This included:

- The preparation and submission of the Employment and Retail Market Demand Study
- Preparation and submission of a planning application to significantly expand the AMP to provide prime employment land which more than offsets the loss of employment land at the Application Site; and
- Inclusion of employment uses within the wider Highfield Commercial site as per the agreed Highfield Commercial Masterplan Development Framework Document, as well as the retention of an area of employment uses as part of the mixed-use centre scheme on the Application Site.

The Employment and Retail Market Demand Study report highlighted the difficulties in promoting the application site for employment development and evidences this by the continued promotion of the wider Highfield Commercial land for employment uses over a number of years without success. Two major employment consents have been granted across the Highfield Commercial site, neither of which have been implemented (RB2004/1571 and RB2008/1695). The report concludes that given the wider context of Waverley, this part of the Highfield Commercial site is unlikely to be able to be successfully marketed for solely employment uses in the future; instead advising that the area which is most likely to deliver employment uses is the area closest to the Poplar Way roundabout which benefits from a more prominent position in terms of junctions and roads. This advice was applied to the wider Highfield Commercial Masterplan Development Framework Document and Sites and Policies DPD which proposed to allocate the application site for a wider mix of uses.

Notwithstanding this, in recognition of the requirement to provide a mix of uses on the site, employment uses have been retained within the proposals and as part of a wider masterplan necessary to accompany Policy SP69. The Employment and Retail Market Demand Study highlighted that the high specification of businesses located at the AMP and the wider promotion of the AMID (of which the AMP forms an integral part) means that additional land at the AMP is far more likely to be successfully delivered as future employment land, along with land at Highfield Commercial close to the Poplar Way roundabout (which benefits from a prominent position). In addition to this, a significant area of further expansion land around the AMP has been

identified as suitable for development and will more than off-set the loss of employment land at Highfield Commercial. Indeed, this land has been subject to earthworks to prepare it for development and applications have also been submitted and consented for employment uses on part of it.

This has resulted in the draft allocation and Policy SP69 for the wider Highfield Commercial site which proposes to allocate the site for a wider mix of uses (including employment land) and demonstrates the acceptance of some loss of employment land on the site in principle.

Policy SP69 states that a minimum of 0.86 hectares (equating to 8,600 sq m) of land within the application site should comprise of B1 (a), B1 (b) or B1c business uses. The 0.86ha is essentially a land allocation, whereas the applicant has applied in full for a specific development. That said, applying assumed average development and parking ratios, it is estimated that a flat rectangular plot of 0.86ha would yield around 3,345 sq m of single storey office space plus around 170 parking spaces. At Waverley the scheme includes 3,547 sq m of office space. Accordingly, the proposed development meets this requirement within Policy SP 69.

Having regard to all of the above it is considered that the loss of employment land has been adequately evidenced through the submission of documents to support the emerging Sites and Policies DPD. This together with the additional land that has been made available within the AMP ensure that adequate land within the most appropriate location will be made available for employment purposes and safeguard the continued success of the AMP.

#### Assessment of Retail and Leisure Uses

The Core Strategy identifies Waverley as a Principal Settlement under Policy CS1, with the capacity to provide 2,500 new homes and 42 hectares of employment land within the plan period. Policy CS1 does not assign any retail floorspace to Waverley. However, within Table 3, which sets out the settlement hierarchy and growth strategy for the Borough, Waverley is identified as having a local centre in the retail hierarchy although no specific location is identified.

Policy CS12 of the Core Strategy outlines the higher portion of the Borough's retail hierarchy including the principle town centre of Rotherham, the town centres of Dinnington, Maltby and Wath-upon-Deerne and five district centres. Policy CS12 notes that the local centres will be identified on the proposals map within the Sites and Policies Development Plan Document (SPDPD). This policy also outlines the approach to the sequential test and impact assessment, the latter of which is required for retail, leisure use proposals over 500sq m.

The SPDPD was submitted to the Secretary of State in 2015 and an Examination has recently taken place. Draft Policy SP22 responds to the strategic direction provided by Policy CS12 of the Core Strategy by identifying the town, district and local centres in the retail hierarchy. Amongst the local centres identified in Table 9, this includes a new local centre at Highfield Commercial in Waverley. Furthermore, Draft Policy SP69 provides a detailed policy for Highfield Commercial (including the application site), noting that the development of Mixed Use Area 21 for mixed employment, residential and local centre purposes to serve WNC and the AMP will be supported in principle. Sub-area 3, which covers the application site, is identified for Class

A1/2/3/4/5, B1, C1/2/3 and D1/2 uses. The draft policy text notes that Class A1 retail floorspace shall not exceed 2,300sq m gross and no more than 1,500sq m gross A1 floorspace shall be provided in a single unit. The supporting text indicates that the floorspace cap is in place in order to recognise Highfield Commercial's role as a local centre. However, the Council are proposing a main modification which would allow a larger scale of development to come forward if it were able to meet the local and national policy tests of impact and the sequential test.

Turning now to the NPPF, Section 2 is relevant to this proposal, with paragraph 24 noting that:

*“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale”.*

This policy promotes the 'town centres first' approach and indicates that sites in defined town centres and then edge of centre locations before out of centre sites should be considered. In addition, the NPPF requires flexibility to be incorporated into the assessment of alternative sites.

The NPPF also retains an 'impact' test for retail, leisure and office development outside of town centres which are not in accordance with an up-to-date Local Plan. The NPPF states that local planning authorities should require an impact assessment if the development is over a proportionate, locally set threshold or, if there is no locally set threshold the default threshold is 2,500sq m. The NPPF notes that impact assessments should include an assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Importantly, the NPPF retains the clear guidance to local planning authorities:

*“Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused”.*

Having regard to the above, the Council have instructed retail experts GVA Grimley to independently assess the proposals in line with Government guidance and local policy to ensure a robust appraisal of the Sequential and Impact Tests have been carried out.

### Sequential Test

The application site is not specifically allocated in the development plan for a new defined centre or for retail, leisure, office and other main town centre uses in the development plan. The Core Strategy does indicate that there should be a new local centre at Waverley but the plan which intends to provide this allocation remains in draft. In addition, the applicant does not agree that a local centre is the correct scale of 'centre' to be provided and instead, through both its interaction with the development plan making process and in material supporting this application has indicated that a district centre is required.

Therefore, for these reasons, under policies in the development plan and the NPPF, it is accepted that the application of the sequential test to the proposed development is applied. As part of the consideration of alternatives, there is a requirement to demonstrate flexibility in relation to the scale and format of the development.

Paragraph 6.10 of the submitted Retail Assessment (RA) acknowledges the need for flexibility and notes, that a sequentially preferable site need not be capable of accommodating exactly the same form of development. Instead, the paragraph notes that, consideration should be given to the broad type of development proposed and the ability to accommodate "development which is recognisably closely similar to what is proposed". This is a view that has been accepted by the Council.

The applicant outlines the following requirements / areas of flexibility for its assessment:

- Alternative sites should have appropriate servicing and access arrangements, along with main road proximity / visibility and ease of access;
- A willingness to consider alternative sites which are 25% smaller than the application site (minus the land proposed for the new access road). Subsequent clarifications indicate that this reduction could take different forms in terms of reductions in site area, floorspace and parking provision. The RA also indicates that multi-level developments have been considered.

GVA, the consultants acting on behalf of the Council consider that the applicant's approach, which considers smaller scale of site/floorspace/parking is an appropriate one in principle. When asked to explain the choice of a 25% reduction, the applicant has noted that "the choice of 25% is simply a judgement as to what might be a reasonable degree of flexibility to apply in relation the sequential test". Clearly this is an arbitrary figure, not based upon a specific alternative; however in this instance GVA do not consider that an alternative specific % reduction figure is more appropriate.

The other part of the applicant's approach to the sequential test which has been examined is the area in which to search for alternative sites and premises. The RA takes the standard approach of examining sites and premises within the primary catchment of the proposal and the RA indicates that the catchment is based upon a 10 minute drive time.

Having considered the extent of this area, along with the location and content of existing competing large centres, such as Crystal Peaks, Sheffield city centre,

Rotherham town centre and Parkgate, GVA consider that this is a broadly reasonable primary catchment for the proposed development.

Having reviewed the applicant's analysis in relation to the district centres in Rotherham, GVA agree with the applicant's conclusion that there are not any suitable and available alternative sites and premises in Wickersley and Swallownest. Both are compact centres which are surrounded by residential uses, open space and community uses, with no opportunity for reasonable sized redevelopment sites.

Within Sheffield, similar characteristics are held by Woodhouse district centre and there is little opportunity to provide redevelopment opportunities. The applicant has identified a potential redevelopment site in Darnall although, notwithstanding whether it is available or not, the Council agree that it is too small to accommodate the proposal taking into account reasonable flexibility.

Within Manor Top district centre whilst the Council agree with the applicant regarding the availability and suitability of existing premises, it is considered that an examination of the TA Centre use should have been made. Whilst the site is currently occupied, it represents a potential large redevelopment opportunity within a defined centre within the catchment and should be assessed. The site extends to 3.4 hectares and may also be enlarged to the west which could take it to over 4 hectares. In this regard the applicant has confirmed that "This site appears to be an active Army Reserve Centre. It is not being marketed. It is not available, and can be discounted; it might also be noted that it is located at the edge of the 10 minute drive time isochrone around the application site, so would tend to serve a different market". This information is accepted as being correct at the time of this assessment and can therefore be discounted.

Within and on the edge of Rotherham town centre, the applicant has assessed a number of sites and premises. The area around Main Street and Westgate does contain a number of vacant properties and has been identified for redevelopment by the Council, although it is accepted that heritage issues and the size of the site mean that it is unlikely to be a suitable alternative.

The largest potential redevelopment site in the town centre is the Forge Island site, which until recently accommodated the former Tesco supermarket. This site has been prioritised for redevelopment by the Council and is the focus for the current town centre master-planning exercise. Whilst the Forge Island site is large enough to accommodate the proposed development, when a reasonable amount of flexibility in relation to scale and format is taken into account, the current master-planning exercise is prioritising the site for leisure, hotel and food/beverage floorspace. As a consequence, whilst the Forge Island site is available, it is not considered that it is a suitable alternative than the application site at Highfield Commercial.

Other sites on the edge of Rotherham town centre covered by the applicant's analysis include the former Liquid/Envy nightclub site and it is also noted that the draft SPDPD proposes to allocate sites on Corporation Street and Drummond Street for retail development. However, none of these sites are large enough to comprise realistically suitable alternatives to the application site.

Finally, whilst Figure 6.1 on pages 50-51 of the RA identifies that Sheffield city centre is within the catchment area of the proposal, the city centre does not receive any

detailed consideration within the applicant's sequential site assessment. This is due to the extent of the 10 minute drive time catchment, which does not cover the entirety of the city centre, and the Council accept an argument which suggests that the city centre would be an inappropriate alternative location for the type of development proposed, which seeks to meet the needs of residents of south-west Rotherham and south-east Sheffield. On this basis, it is not considered that it provides a first-choice alternative for the proposed development.

Having regard to all of the above and following a review of sites and premises in and around the centres, when flexibility in terms of scale and format is taken into account, there are no suitable and available alternatives.

### Impact on Town Centre Vitality and Viability

The submitted Retail Assessment (RA) adopts the same study area as the Joint Sheffield/Rotherham Retail and Leisure Study and focuses upon Zones 9, 13, 15 and 18 within this area as they best match the 10 minute drive-time catchment agreed by the Council. These zones are the closest match to the 10 minute area, although Zone 13 is large and stretches further to the south and round the south-eastern edge of the Sheffield urban area. This approach is therefore accepted by the Council.

Based on the above, the applicant provided an assessment of the forecast pattern of trade draw and associated impact for the defined town centres which was appraised by the Council's consultants GVA who re-examined it in order to establish whether the levels of forecast diversion can sensibly relate to a reasonable pattern of trade draw.

GVA's updated financial impact analysis for convenience and comparison goods was provided in detail in their advice to the Council and is summarised in the table below alongside the comparable forecasts from the applicant's analysis.

It should be noted that these financial impact levels are based upon the maximum level of comparison goods floorspace within the development (assuming that Class A1 non-food floorspace is limited to 7,274sq m gross). As acknowledged by the applicant's analysis a smaller amount of comparison goods floorspace could be provided if it is replaced by Class A2 and A5 floorspace. In such a situation the impact of the comparison goods floorspace which is provided would go down and the 'scenario B' assessment provided by the applicant illustrates this. However, with no certainty of 'scenario B' occurring, it is appropriate to test the maximum potential for comparison goods floorspace within the proposed development.

Centre	Applicant's Analysis		GVA Analysis	
	Solus (%)	Cumulative (%)	Solus (%)	Cumulative (%)
Rotherham town centre	-1.8%	-3.3%	-3.1%	-6.9%
Parkgate district centre	-1.1%	-2.1%	-0.9%	-5.4%
Swallownest district centre	-1.1%	-3.3%	-3.4%	-5.2%
Wickersley district centre	-1.2%	-1.2%	-0.3%	-0.3%
Woodhouse district centre	-0.8%	-3.1%	-1.3%	-3.7%
Sheffield city centre	-0.5%	-1.8%	-0.5%	+20.9%
Crystal Peaks district centre	-1.0%	-4.8%	-2.8%	-8.0%
Kiveton Park district centre	n/a	n/a	-2.3%	-2.3%

The above data indicates that, for a number of defined centres, GVA's impact assessment predicts a slightly higher level of solus impact on overall town centre turnover and in the case of Wickersley a lower amount of trade loss. In most cases the differences are small and suggest that whilst there may be a disagreement between the applicant and GVA over the treatment of certain inputs and assumptions in the impact assessment, the outcome regarding solus impact is reasonably similar.

The larger differences appear when the cumulative impact of commitments are taken into account and also in relation to some of the larger nearby centres such as Rotherham town centre and Crystal Peaks district centre. The centres where the cumulative impact of the proposal and commitments rises above 5% including Rotherham town centre Parkgate, Swallownest, Woodhouse and Crystal Peaks. On a general basis, GVA's cumulative impact levels for these centres are around twice as high as the applicant's estimates.

In relation to Rotherham town centre, the applicant's RA indicates that, on the basis of a solus impact of 1.8% and a cumulative impact of 3.3%:

- These levels of trade diversion are not considered to be significantly adverse;
- The applicant acknowledges that the town centre has struggled to compete with Meadowhall and Retail World at Parkgate in recent years and has struggled to attract investment. However, a SPD for the town centre has been prepared which seeks to attract new investment into the town centre.
- The town centre accommodates a wide range of services which help to support its health and which will not be affected by the proposed development;
- The town centre will continue to be visited by local residents seeking goods not provided at the proposed development and who seek a greater choice in provision than would be available at Waverley;
- The centre is able to provide a comparison goods role for both local residents and those further afield that consistent with its role in the retail hierarchy.

In response to this, GVA have advised that Rotherham town centre lies within a vulnerable position and its health can be materially affected by even small levels of impact/trade diversion. The extent of such effects are dependent on the scale of

competition posed by other facilities in the local area and it is clear that the emerging development plan does not seek to completely stop the provision of new retail and main town centres in the Borough. However, the emerging plan proposes a local centre at Waverley and provides a framework for assessing larger scale proposals in order to protect the health of centres such as Rotherham.

The scale of the proposal, and its likely role and function, suggest that it is a rival to existing town centres in the Borough and will have an overlapping catchment with Rotherham town centre. The extent of this overlap/competition will lead to larger material effect upon the health of the town centre than suggested by the applicant's analysis and will, as a result have the potential to become a direct competitor to Rotherham town centre. In particular, it will have the potential to attract the type and scale of retailers and other businesses who are themselves actual or potential tenants of the town centre. This presents the potential for an erosion of the town centre's market share which has already suffered in recent years due to Meadowhall and the growth of largely unrestricted comparison goods floorspace at Retail World (Parkgate).

Having regard to the above it is considered that the likely scale of competition that it could pose to Rotherham town centre within their respective overlapping catchments, along with the health of the town centre, would result in significant adverse harm to the vitality and viability of Rotherham town centre.

Since this advice was relayed to the applicant, RMBC Officers have engaged in detailed discussions with their consultants (GVA) and the applicant's agent regarding the assessment of the likely impact of the proposed development on the Town Centre. These discussions have focussed primarily upon the scope of controls over the proposed retail floorspace which could turn an unacceptable impact into a scenario which could be supported. There has also been discussion with the applicant over the scope of GVA's cumulative impact assessment and whether it represents a realistic assessment of the combined impact of other retail commitments.

These are considered in turn below:

In relation to the recent discussions with the applicant over the suite of controls which could reduce concerns over the likely significant adverse impact of the proposal, these have centred on three main areas:

- the gross retail floorspace,
- the net sales area for comparison goods sales and;
- a restriction on the sale of certain comparison goods.

In terms of gross retail floorspace, GVA concentrated their assessment upon the proposed Class A1 retail floorspace. Within the Retail Assessment ('RA'). The maximum amount of gross floorspace for Class A1 uses was stated as 9,201sq m. It was on this basis that GVA proceeded with the assessment in their advice to the Council. However, GVA have subsequently been informed by the applicant that in addition to the 9,201sq m of stated space there will also be a small amount of space for 'non-retail' Class A1 uses such as travel agents and hair salons and therefore any control of gross A1 space should relate to 'retail A1' users. Assuming that this is the case, GVA see no particular issue so long as (i) a suitably worded condition can be

drafted; and (ii) the inclusion of 'non-retail A1 space' is allowable under what has been applied for in this application.

In terms of the control of net (Class A1) retail sales floorspace, the concern has centred upon the comparison goods floorspace. Whilst there has been a lengthy discussion between the parties over whether such a condition is workable and meets the relevant tests, RMBC officers and GVA are very clear that a net sales area control is required. On this basis, GVA have reached agreement with the applicant that the gross area for comparison goods should be 6,850sq m (which is a circa 6% decrease in the amount originally proposed) and 80% of this amount is 5,480sq m. This is a slightly smaller amount of net sales area than originally modelled in the RA, and GVA's respective impact assessments and would, on its own, slightly decrease the direct financial impact on Rotherham town centre.

The final area, and the one of greatest concern, was in relation to the sale of a wide range of comparison goods. In GVA's opinion, due to the scale of the proposed Class A1 retail floorspace, there was the potential for a large catchment for the Waverley proposal which would, amongst other things, have a significant overlap with Rotherham town centre. Of particular concern was the sale of non-bulky comparison goods which provide a significant contribution to the annual retail turnover of Rotherham town centre. These categories include clothing/fashion, health and beauty goods, sports goods/clothing, personal and luxury goods and toys/games.

After discussions with the applicant, it has been agreed that the sale of goods within a number of these categories could be significantly restricted by controls imposed on any permission issued.

It has been agreed that the following controls should be imposed:

- That no more than 2,650sq m net sales area should be used for the sale of clothing/fashion, toys/games, health/beauty and personal/luxury goods; and
- Within this amount, no more than 1,500sq m net sales area will be used for the sale of clothing, footwear, fashion and sports clothing.

This would be a total restriction across all of the Class A1 retail floorspace and would apply to purely comparison goods stores, mixed goods stores and the comparison element of any foodstores/supermarkets in the proposed development.

Having regard to this and prior to re-visiting the financial impact, it should be noted that the above controls will, in GVA's opinion, make a material difference to the assessed level of impact of the proposed development. Not only was there no clarity in the original RA over whether any controls over the proposed Class A retail floorspace were being offered, there was a significant proportion of the scheme which could allow any type of comparison goods. When coupled with the scale of the proposed development, GVA reached the view that the proposal would have a significant impact upon the retail hierarchy and the health and attractiveness of Rotherham town centre. The agreed restriction on the sale of non-bulky comparison goods will make a material difference to this conclusion in relation to the solus impact of the proposal.

There is also a need to consider cumulative impact issues. GVA previously advised RMBC that the proposed unrestricted development was likely to result in a diversion

of circa £6.8m of retail expenditure from Rotherham town centre to convenience and comparison retail commitments in Rotherham and Sheffield. During discussions with the applicant it is acknowledged that this figure of £6.8m was likely to represent a 'worse case' scenario as it did not take into account the possibility of 'cross competition' between some of these commitments. Therefore, the applicant provided a re-worked analysis which includes an allowance for this cross competition. Having considered the contents of this information, GVA agree with the cumulative impact scenario which indicates that a £4.32m trade diversion from Rotherham town centre will be experienced.

This would, if applied to GVA's assessment, lower the over cumulative financial impact upon Rotherham town centre. In addition, the direct financial impact would be also be lower by the small reduction in comparison goods net sales area in the Waverley proposal. However, a further factor to take into account is the Meadowhall extension proposals in Sheffield. To date, none of the assessments for the Waverley application have taken this into account and Sheffield City Council have recently granted planning permission for this scheme and therefore it is appropriate to take it into account in the retail impact scenarios. GVA consider that, taking into account cross competition between commitments, the inclusion of the Meadowhall extension will increase the direct financial impact on Rotherham town centre and bring cumulative impact levels broadly back to the 6.9% impact outlined in GVA's advice report to the Council. Therefore, any lower impact on Rotherham due to allowing for cross competition between commitments will be cancelled out by the Meadowhall extension.

In relation to the overall conclusion regarding the impact of the proposal and its relationship with the emerging local policy for the new centre at Waverley, proposed controls over the gross retail floorspace, net comparison goods floorspace, along with a restriction over the range of comparison goods to be sold make a material difference to the scale of overall impact on Rotherham town centre. In particular, whilst the overall cumulative direct financial impact may not reduce, the level of trading overlap with the town centre will materially reduce as will the influence of the Waverley development on wider shopping patterns.

The effect of these controls is such that GVA have advised that they have altered their prediction from the proposed development being likely to have a significant adverse impact upon Rotherham town centre to one where such a 'likelihood' cannot be predicted. Nevertheless, an adverse impact upon Rotherham town centre remains and this would be weighed in the overall planning balance which is provided within this report

The impact of the Waverley development needs to be seen in the context of the wider cumulative impacts of committed and proposal retail developments in the local area. There are further retail developments which will add to the growing impact upon the health of Rotherham town centre, which is of significant concern, but after further consideration GVA have advised the Council that a suitably controlled Waverley development can avoid the claim that it is likely to have a significant adverse impact on Rotherham town centre.

The following paragraphs consider nearby lower order (i.e. district) centres in RMBC and SCC's administrative areas.

**Swallownest district centre** lies to the south-east of Waverley and is the closest district centre in RMBC's administrative area. GVA's financial impact assessment predicts that there will be a 6.5% solus impact upon the convenience goods sector in the centre from the proposed development, rising to 9.9% when commitments are taken into account. GVA do not however forecast any material impact on the centres very small comparison goods sector. The overall impact upon the district centre's Class A1 retail sector is therefore forecast to be 5.2%

**Wickersley district centre** lies to the north-east of the application site and lies on the edge of the 10 minute drive time catchment. Section 5 of the applicant's RA confirms that the centre has 81 units in total and at the time of survey had only one vacancy. Paragraph 5.37 of the RA also indicates that, in the applicant's opinion, the Co-op foodstore within the centre performs an anchor role. GVA agree with this analysis.

The applicant's analysis forecasts an overall 1.2% negative impact upon the Class A1 retail sector in Wickersley, including solus impacts of 0.9% for convenience goods and 1.4% for comparison goods. Our own analysis suggests a lower level of overall impact, at 0.3%, including a 0.6% impact on the convenience goods sector.

Overall, GVA do not consider that there is likely to be a material negative impact upon Wickersley. Its non-food offer will not be affected by the Waverley development and the small size of the foodstores in the centre indicate that they will continue to serve the top-up food shopping needs of local residents. This conclusion is reinforced by the location of Wickersley relative to the application site and the likelihood that local residents naturally look to other supermarkets and non-food destinations.

**Kiveton Park district centre** lies to the south-east of Waverley and beyond Swallownest. It is not covered by the applicant's analysis, due to its position beyond the 10 minute drive time area used by the applicant. GVA have however included it within their analysis due to the potential for an overlapping catchment with the Waverley development and the presence of a modest sized Co-op foodstore. The applicant's financial impact assessment does not give any specific figure for the impact on stores in Kiveton Park and therefore GVA did not know whether the diversion of £0.3m from 'other stores (within and outside of the study area)' includes any allowance for Kiveton Park.

In GVA's view, there will be some limited diversion of trade from Kiveton Park, primarily the Co-op store although in total this will only amount to £0.17m which is equivalent to a 4.6% impact on the convenience goods sector in this district centre. Whilst the Co-op store in the district centre is forecast to be trading below its company average benchmark level, we do not consider that its role, and contribution that it makes to the wider centre, is likely to be materially affected by the Waverley proposal.

Moving now to nearby defined centres in SCC's administrative area, **Woodhouse district centre** is located to the south of the application site. The centre, according to the applicant's land use survey, comprises 62 units with 5 vacancies. Retail and other main town centre uses lie on both sides of Chapel Street and Cross Street and are interspersed with residential units. GVA consider that the centre is anchored by a purpose-built Co-op foodstore which lies at the western end of the defined centre

boundary. The Co-op has a net sales area of 1,028sq m and is served by a modest sized off-street surface level parking area.

The applicant's analysis, within the RA, indicates a financial impact of 1% each for the centre's convenience and comparison goods sectors and an overall cumulative impact of 3% once commitments are taken into account. GVA's own analysis predicts a slightly higher level of overall cumulative impact, at 3.7%, and this would appear to be due to a slightly higher level of trade diversion from Woodhouse's convenience goods sector. This impact is spread across different parts of the centre, although the Co-op unsurprisingly receives the highest individual impact. The convenience goods sector in Woodhouse receives three quarters of its turnover from top-up food shopping trips and we would estimate that a large proportion of trips would not be altered by the proposed development. GVA further consider that some top-up trips and some main-food trips could be diverted to the new Waverley development due to the overlapping catchments of the two locations and the likelihood of Waverley becoming attractive to residents in the northern part of Woodhouse's catchment. However, based upon the available data GVA consider that the vitality and viability of the centre are unlikely to be materially worsened by the Waverley development.

The final district centre in Sheffield to receive consideration is **Crystal Peaks**. This is a purpose-built indoor shopping mall with an adjacent retail park (which lies outside of the current defined district centre boundary). The applicant's RS does not provide a review of the content of the district centre, presumably because it lies outside of the 10 minute drive time area, although the financial impact assessment does forecast that the centre will lose £0.2m of convenience goods expenditure and up to £1.9m of comparison goods expenditure. Overall, taking into account commitments, the applicant's assessment forecasts that Crystal Peaks will experience a cumulative impact of 4.8%, with around one quarter being attributable to the Waverley proposal.

GVA's analysis suggests that the convenience goods sector in the centre will experience a £0.7m diversion of trade, leading to a 1.5% negative impact, whilst the comparison goods sector will lose around £5m of spending. This is equivalent to a 3.1% solus impact on the comparison goods turnover of the Crystal Peaks district centre. Overall, based upon the maximum potential for comparison goods floorspace within the Waverley development, GVA consider that Crystal Peaks has the potential to lose 3% of its annual turnover, which will rise to 8% when commitments are taken into account.

Having regard to the above, GVA consider that due to the relative locations of Waverley and district centre, along with the type of retailers which are present at the latter and likely to be present at the former, Crystal Peaks will compete directly with the Waverley proposal in south-east Sheffield urban area. This is reflected in the levels of trade diversion which their assessment shows as being diverted from the convenience and comparison sectors in the centre. However, based upon the characteristics of the centre, including its health, they do not consider that the effects of the Waverley development will lead, in itself, to a significant adverse impact on the health of the district centre.

In relation to **Sheffield city centre**, GVA agree with the applicant that there will be minimal impact upon the centre's comparison goods sector, at 0.5%. Whilst the city centre has, in GVA's opinion, performed poorly in recent years and is in a fragile

state of health, including a loss of market share, the Waverley proposal is unlikely to materially change the cumulative level of negative impact on the city centre which already exists. Therefore, whilst there is concern over the health of the city centre it is considered unreasonable to suggest that Waverley scheme would, on its own, lead to a materially different outcome.

### Impact – Proposed Class A2/3/4/5 floorspace

In relation to the other Class A uses in the proposed development, the proposed A2/3/4/5 uses, up to 2,478sq m of café/restaurant and drinking establishment floorspace (A3/4) floorspace is proposed.

Class A2 uses, including banks, building societies and other services will be an important part of any new centre at Waverley and should be generally encouraged. Whilst it is possible that such services could divert trade away from other defined centres in the local area, it is not considered that defined centres within Rotherham's retail hierarchy rely on A2 service uses for their health and therefore do not raise any particular concerns.

The scale of the proposed Class A3/4/5 uses is substantial, and in their own right they are above the national default impact threshold for impact assessments which would, for an unallocated non-central site, prompt the need for an impact assessment. However, it should also be noted that Class A3/4/5 uses can make a positive contribution to the vitality and viability of 'town centres' and Class A3/4 uses are becoming increasingly important in diversifying centres and attracting visitors through the day and evening. In addition, they have already been a permitted land use element of the adjacent WNC permission.

Importantly, Class A2/3/4/5 form part of the proposed draft development plan allocation for Highfield Commercial and there is, unlike Class A1 floorspace, no floorspace/scale limit imposed upon these uses. Therefore, it is considered that it would not be reasonable to conduct a detailed impact assessment for these elements of the proposed development. They will, in part, serve the needs of the local community and the workforce in the surrounding employment-generating uses and will also attract custom from a wider catchment associated with the shopping function of the development. This will lead to diversion of future expenditure which would have otherwise have been spent in other centres across the local area. This is a matter of fact and can be considered alongside the wider impacts of the proposed Class A1 uses, which do require a detailed assessment of their impact on existing 'town centres', although it should not be a reason in itself for refusing the application.

### Impact on Town Centre Investment

The other test of impact is the effect of the proposed development on existing, planned and committed investment in town centres. The applicant's assessment concentrates upon potential investment projects in Rotherham town centre and a draft allocation in the now withdrawn Sheffield City Policies and Sites document.

There are several potential investment projects in Rotherham town centre. These include the Forge Island site, Drummond Street car park and the markets area. However, for an investment to be considered as a planned investment, a project has to be at a very advanced stage. On this basis, the only planned investment project in

Rotherham town centre which should be considered in any detail is the Forge Island site. This area is identified in the emerging SPDPD and also the adopted Rotherham Town Centre SPD for redevelopment.

However, the scope of the planned investment is for a leisure-led mixed use development. In particular, the planned uses include a cinema, hotel and Class A3/4 food and beverage uses. Therefore, the only area of potential trading overlap with the proposed development at Waverley is the Class A3/4 food and beverage uses. Whilst it is entirely possible, that the proposed mixed use centre at Waverley will divert future food and drink custom away from Rotherham town centre, there is no suggestion from the promoter of the Forge Island investment that Waverley will have a significant adverse impact upon the delivery of redevelopment at Forge Island.

The other potential site covered by the applicant's analysis is a site in Darnall district centre (land to the east of Station Road) which was previously subject to a proposed allocation in the now abandoned draft Sheffield City Policies and Sites document. The applicant dismisses any potential effect on future investment on this site on the basis of the distance between Darnall and Waverley and the different catchments that they serve. That may be so, although it is considered that the main reason for not raising any concerns is that there is not a current identifiable investment project for the Darnall centre for this proposed development to impact upon.

The final area of the national 'impact on investment' test in paragraph 26 of the NPPF is existing investment. This aspect is not covered by the applicant's analysis in the Retail Assessment and consideration should be given to whether the proposed development is likely to have an impact on the attitudes and confidence of existing investors in nearby 'town centres' and whether such an impact can be considered to be significantly adverse.

Like the assessment of vitality and viability, it is considered that the focus for the impact on existing investment is likely to be Rotherham town centre. Rotherham is the centre with the weakest confidence in the local area and faces considerable competition from Retail World at Parkgate, Meadowhall and Sheffield city centre. Whilst it is important to note that the Waverley proposal is smaller than these three other competitors, it is likely to add a new source of competition in the southern part of Rotherham's catchment. This additional investment has the potential to influence the confidence of existing investors in the town centre due to its scale and function, is likely to divert shopping and other trips away from the centre. This in turn is likely to have an effect on vitality in the centre which could have an influence on how investors continue to invest in their property and businesses. This is likely to reinforce recent trends in investor confidence in the town centre.

However, GVA consider the key question is whether the Waverley proposal itself would have a significant adverse impact and in this regard they consider that the new proposal at Waverley is likely to have a negative effect in its own right. It will be adverse, and will contribute to on-going concerns for the health of the centre, but it will not be significantly adverse and should not be classified as a reason for refusal in its own right.

## Conclusions

Following a detailed review of the applicant's sequential site assessment it is considered that when flexibility in terms of scale and format is taken into account, there are no suitable and available alternatives.

The scale of proposed Class A1 retail floorspace is significantly larger than the proposed policy for such retail space at Waverley. Whilst there is no rigid cap on A1 space with the proposed policy, the scale of difference is such that a rigorous assessment of retail impact was required. The initial assessment, without any clear proposed controls, indicated a significant adverse impact on the health of, and existing investment within, Rotherham town centre.

Proposed controls over the gross retail floorspace, net comparison goods floorspace, along with a restriction over the range of comparison goods to be sold make a material difference to the scale of overall impact on Rotherham town centre. In particular, whilst the overall cumulative direct financial impact may not reduce, the level of trading overlap with the town centre will materially reduce as will the influence of the Waverley development on wider shopping patterns.

The effect of these controls is such that the prediction from the proposed development being likely to have a significant adverse impact upon Rotherham town centre can be amended to one where such a 'likelihood' cannot be predicted. Nevertheless, an adverse impact upon Rotherham town centre remains and this needs to be weighed in the overall planning balance. The impact of the Waverley development obviously needs to be seen in the context of the wider cumulative impacts of committed and proposed retail developments in the local area. There are further retail developments which will add to the growing impact upon the health of Rotherham town centre, which is of significant concern, but after further consideration, it is considered that a suitably controlled development can avoid the claim that it is likely to have a significant adverse impact on Rotherham town centre.

Having considered the impact of the proposal on existing, planned and committed town centre investment, it is concluded that there is unlikely to be any significant adverse impact upon planned or committed investment in Rotherham town centre.

## **Economic and Employment Considerations**

The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. The NPPF makes clear that the planning system should do everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.

Part 7 of the NPPF requires the planning system to perform an economic role by contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time

to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

This is reinforced within Core Strategy CS9 'Transforming Rotherham's Economy' which states "Rotherham's economic performance and transformation will be supported by: ..... Encouraging the development of an Advanced Manufacturing cluster at Waverley by supporting proposals for complementary uses"

It is noted that development, including those within the B Use Classes, public and community uses, and main town centre uses (but excluding housing development) are defined as economic development within the NPPF annex. As such, in economic terms the proposed development would support and contribute to economic growth. The development would create approximately 700 new permanent jobs and represents an inward investment of £48 million into the local area.

### **Design, Layout and Visual Amenity**

Core Strategy 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 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. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The NPPF at paragraph 17 states that as one of its core planning principles that: "planning should always seek to secure a high quality design." Paragraph 56 further states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people." In addition, paragraph 64 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."

The National Planning Policy Guidance (March 2014), 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, and further goes on to note that: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."

The planning application has been submitted in full in order to demonstrate the design quality that will be achieved and the degree of integration within the wider WNC and employment offer on the AMP. This is following pre-application discussions between RMBC officers and the applicant.

The layout has been designed in a courtyard formation with all buildings surrounding a central car park area, which was deemed the most appropriate use of land both from a design perspective due to the shape of the site and commercially, as advised by the applicant. To the north west of the site is the AMP which comprises of modern

industrial buildings, whilst to the southeast and south are the residential dwellings and the Winter Green PH located within the WNC. Finally the University Training Centre lies to the north, which again comprises of a modern industrial building and associated car parking.

The site is generally flat; however there is a significant difference between the level of Highfield Spring, sloping downwards towards the application site, with an existing grassed embankment forming this boundary.

Having regard to the assessment of the development in terms of design, layout and visual amenity, the foregoing paragraphs break the layout down into the four main elevations and the key pedestrian route through:

- Highfield Spring;
- Mitchell Way;
- Stephenson Way; and
- AMRC Training Centre.
- Waverley Walk

### Highfield Spring

With regard to the Highfield Spring frontage it is considered essential that the design of the elevations reflect the modern architecture of the existing buildings on the AMP.

Blocks F and G form the primary built form along this elevation. Block F, which is located within the northern most corner of the site is proposed to be two storeys in height and will accommodate 2 retail units with a number of rooftop office and restaurant/coffee shop units around a central roof terrace. Block G comprises of a single storey unit with a two storey element on the southernmost end with a rooftop terrace. The massing of these blocks was carefully assessed at the design stage having regard to the difference in levels between the site and Highfield Spring. In this regard it was necessary to provide an active frontage to Highfield Spring to positively draw occupiers of the AMP into the development. Pedestrian access from Highfield Lane is provided via a new footbridge which will span the existing embankment into the first floor of Block G. It is acknowledged that a number of steps are required due to the level differences, therefore a lift is also proposed to accommodate less mobile pedestrians and whilst this is not ideal, it is considered to be an appropriate solution in this instance, ensuring inclusive access by all.

Having regard to the elevational treatment along Highfield Spring, It is proposed to use large areas of glazing at first floor, and blockwork and glazing at ground floor, this along with the flat roof design are considered to be appropriate for this elevation as they are reflective of the design, materials and proportions of buildings on the AMP. Furthermore, the use of the first floor as office units, coffee shops and a roof terrace will aid in the transition of uses between the function of the AMP and the proposed mixed use centre.

Having regard to the courtyard elevation of these blocks, again it is proposed to use large areas of glazing on the corner of Block G, this treatment will 'turn the corner' and provide a key focal point to the development. The remainder of the building has been designed with large arched windows, providing shopfronts to each of the units.

Turning to the proposed pedestrian bridge which will link Highfield Spring to Block F, this has been designed as a contemporary piece of architecture with steel framework and glazed balustrade which reflects the appearance of the HCA building opposite..

The visual appearance of these elevations is considered to be acceptable and provide a good transition between the modern architecture of the AMP and the new development of the mixed use centre.

### Mitchell Way

The Mitchell Way elevation encompasses the Medical Centre (Block H) which is 2 storeys in height and Block A, a series of retail units at ground floor with a gym and office space above.

Block H is located on the junction of Highfield Spring and Mitchell Way where the change in ground levels is less noticeable than those further along Highfield Spring. The location and external appearance of this block is deemed to be important as it will frame the development when driving along Highfield Spring from the Handsworth area. In response to this, the quality of the design and materials to be used in the external elevation need careful consideration.

Again glazing forms a predominant element of the design principles incorporating large areas of glazing spanning both floors on all four elevations, broken only by red brick and artificial stone pillars which are continued in Block A which extends to the Stephenson Way/Mitchell Way junction. The two blocks are connected at first floor above the main vehicular access point by a pedestrian feature bridge which will be constructed from steelwork. This together with the architecture and quality of materials will assist in achieving a striking streetscene and access into the proposed development.

Additionally, and in order to screen any servicing areas it is proposed to provide a feature wall around to north western elevation comprising of a stone wall with metal rail fence infill panels in addition to an area of planting, which is assessed later in this report.

### Stephenson Way

Blocks B, C and part of Block D form this elevation which is shared with the residential properties within the new community on the opposite side of Stephenson Way. These properties comprise predominately of two storey detached dwellings with a number of 3 storey dwellings in various locations.

Block B is proposed to house 4 separate retail units with a service yard adjacent to Stephenson Way and whilst internally it is only single storey, the height of the building represents that of a 2 storey commercial property. The elevations facing Stephenson Way will be constructed from stone and incorporate large areas of glazing which are incorporated to break up the monotony of the elevation.

A stone wall is also proposed to screen the service yard and a landscaping strip is proposed at the back edge of footpath to soften the appearance when viewed from the residential properties opposite

Block C has 3 gables facing Stephenson Way, incorporating a space for future public art on one and various window openings at ground and first floor on the remaining two. Again this block will be constructed from stone and will have a stone wall with metal rail fence infill panels which will provide quality materials on this important elevation.

### AMRC Training Centre

This elevation comprises of Blocks D, E and part of Block F which include a series of two storey buildings accommodating retail units, the bus station and a concentration of coffee shops and restaurants at ground floor with office space above. The rear elevation of these blocks will front on to Waverley Walk and the AMRC Training Centre. It will also accommodate the bus turning area, service yards and staff parking area.

The design and external appearance of this rear elevation has been amended during the application process and now includes large areas of glazing to the side elevation of Block F which continues the use of materials on the elevation fronting Highfield Spring. This amendment was considered necessary to ensure the integration of the built form with the AMP and AMRC Training Centre. The central Block, E accommodates the bus station and has been designed to reflect more traditional architecture and incorporates first floor glazed windows and a central glazed column providing access into the bus station from Waverley Walk and the AMRC. Block D follows the traditional style, having a series of gable roofs with horizontal window features at first floor providing a transition towards the more traditional style of the dwellings on Stephenson Way.

Boundary treatment surrounding the service yard and staff car park include a stone boundary wall with metal rail fence infill panels which will prevent views into these areas from Waverley Walk, ensuring that paraphernalia associated with the service yards are not readily visible.

The elevations facing in towards the courtyard are not dissimilar to those to the rear, the use of modern and traditional architecture provide an acceptable transition between the existing built form of the AMP and the dwellings on Stephenson Way. Furthermore it is proposed to place the majority of the food and beverage offer within the units within Block D which will front onto an area of open space comprising of both hard and soft landscaping and outdoor seating. The quality and function of this is explained further in the report under the title 'Landscape'.

### Waverley Walk

Waverley Walk (WW) is envisaged to be one of the busiest parts of the new community forming the main east to west connection between the AMP, the mixed use centre and the Lakeside, and punctuated along its route by primary schools and key parks and spaces.

In this regard WW has been formed, in part within the new community and extends along Lescar Road to the junction with Stephenson Way and has a distinct landscape character. In order for it to provide a direct link with the employment opportunities within the AMP it was deemed necessary for this route to continue along this same

alignment between the rear elevation of the bus station and the side elevation of the AMRC.

Having regard to this it was deemed necessary to incorporate this length of WW within the layout of this development which will aid connectivity, not just from occupiers within the AMP to the mixed use centre but also residents wishing to gain access to Highfield Spring and beyond along a dedicated, attractive route that will feel safe and be attractive to pedestrians at all times of the day and night. The design of this section of WW seeks to both relate to the rest of this strategic route but also to acknowledge the development's own character. Materials selection, avenue planting, shrub and hedgerow planting will all be used selectively to achieve this ambition and are assessed later in this report within the Landscape section.

This length of WW has proved challenging given the significant change in levels between Highfield Spring and the application site and whilst a series of well designed steps with appropriate lighting provided an adequate solution, there was a desire to provide a route that would be accessible to all. In this regard, discussions were held with the applicant and a solution to the problem was considered to be the introduction of steps which incorporate access ramped paths. These have been designed to a high quality and will be constructed from materials that will reflect the remainder of WW and have integral lighting to ensure the route is safe and attractive to pedestrians at all times of the day and night.

Having regard to this it is considered that subject to the use of an appropriate palette of hard and soft landscaping, this alignment will provide an accessible route to the primary facilities within the new community and AMP.

### Conclusion

The design of the development would include recognised design styles for a Mixed-used development of this nature and include materials reflecting the commercial use of the development whilst still having regard to the adjacent residential development and modern architecture of the AMP. The application and supporting information includes details of the proposed materials which include façades consisting of glazing, stone, cladding, and red brickwork which are considered to provide a high quality built environment, necessary within this strategic location.

Furthermore, the development would largely assimilate with the commercial properties within the AMP and be sensitive to the residential properties within the new community. The extension of the Waverley Walk link will be incorporated into the layout of this development and will provide a high quality area of public realm which will link all of the main components of Waverley and the AMP. The proposal is therefore considered to be in accordance with the aims and guidance set out in the NPPF and Core Strategy Policy CS28 'Sustainable Design'.

### Transportation Issues

Core Strategy policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to locate 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), as well as the use of maximum parking standards for non-residential developments aimed at reducing the number of car trips to and from them.

The NPPF at paragraph 17 seeks to ensure through its twelve principles that planning should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

A Transportation Assessment (TA) has been submitted in support of the application which assesses the impact of the proposed development on the local highway network. The trips generated by the local centre have been set against the consented permissions. In the past an agreed level of trips has been assigned to the Helical Governetz development (RB2008/1695) and therefore this level of trip generation must be considered acceptable with the prerequisite that the correct level of mitigation is put in place. A comparison has been made to a similar development at Fox Valley in Sheffield with further allowances made for retail and gym/restaurants uses giving peak hour totals.

The assessment presumes that since the consented trip numbers are greater than the number of trips generated by the current proposals, impact on the local highway network would be acceptable given the committed levels of mitigation, much of which has already been built. Office generated trips are proposed to be split in the same directional proportions as the surveys carried out for the New Community and AMRC Training Centre in October 2016. These assumptions have been used in the modelling of traffic impacts on local junctions as described below.

#### Traffic Impact/Junction Analysis

##### 1. Highfield Spring/Mitchell Way (AMP South).

An assessment of the junction has been made within the TA using observed 2016 conditions. This shows that under current conditions the Mitchell Way/Highfield Spring Roundabout functions well. An assessment of the 2021 scenario including all locally committed development shows that the impact of committed development, whilst significant, does not have an adverse impact on the way the junction functions but does lead to a minor increase in queuing on the Highfield Spring approaches in the PM peak. With the inclusion of the proposed mixed use centre trips, there would be negligible change in operation with only limited queuing in either scenario. In fact, conditions are slightly improved on the Highfield Spring South approach due to opening of the proposed Stephenson Way junction.

##### 2. Highfield Spring/Highfield Lane

An assessment of the junction has been made in the TA using observed 2016 conditions. Background and committed development growth increases queuing to a minimal degree. When the proposed mixed use centre development is added to the assessment it is clear that it has relatively minor effects and the junction continues to function in an acceptable manner by 2021.

##### 3. Highfield Spring/Brunel Way (AMP North)

Currently the junction operates well within capacity. The addition of growth to 2021 shows that the number of vehicles queuing increases, albeit minimally. With the inclusion of trips associated with the proposed mixed use centre, queues remain

relatively short and the AMP North junction will continue to accommodate demand at 2021 in its current form without need for mitigation. Whilst queues are beginning to lengthen these are not to unacceptable levels.

#### 4. Highfield Spring/Poplar Way/Morrison's

An assessment of the recent upgrade to the Morrison's Roundabout has been made under observed 2016 conditions. This demonstrates that the junction operates well within capacity. With growth to 2021 the junction continues to function well. With the traffic generated by the proposed mixed use centre added to the 2021 scenario the junction continues to function within capacity. The Morrison's exit in the inter-peak period experiences a mean maximum queue of 12 vehicles. The underlying assumption is that there will be no transfer of trips between the Morrison's/Boundary Mills development and the Waverley mixed use centre. This may be a worst case scenario as the number of convenience shopping trips is probably finite and therefore a proportion of those trips currently passing the development site towards Morrison's may well divert to the proposed development.

On this basis there are unlikely to be any problems caused by the additional traffic from this development which might require mitigation works.

#### Site accesses

The primary access to the Waverley site and particularly the mixed use centre will be via the Highfield Spring/Mitchell Way roundabout. There will be an alternative access for bus use only connecting Stephenson Way with Highfield Spring at a new left-in/left-out junction approximately 110m south of its junction with Poplar Way. Without the proposals for the Park & Ride facility within the new community, there is no longer a requirement to convert the Brunel Way roundabout to a traffic signal controlled crossroads. There are also longer term proposals to connect Stephenson Way to Highfield Lane to provide an additional entry point to the local centre from the Handsworth direction and to reconnect Highfield Lane as a through route between Highfield Spring and Poplar Way. These connections will improve the access to the site and reduce the reliance on the access from the Highfield Spring/Mitchell Way roundabout.

#### Cycle and car parking

Parking provision for cars and bicycles within the mixed use centre will be compliant with current RMBC guidelines which define a mix of minimum car parking standards for residential uses and maximum standards for all other land uses. In line with the guidance up to 731 spaces in total could be provided with a split between employee and visitor/accessible uses. A car parking accumulation study has been submitted which indicates anticipated car parking requirements for both office and non office staff at Waverley Square. The Masterplan allocates 96 No. spaces for staff parking and 491 spaces for visitor parking. The study assumes that only 75% of the estimated 259 staff will be on site on any given day. The Councils parking standards recommend a maximum of 1 space per 30m<sup>2</sup> for B1 office developments which would equate to no more than 131 spaces. This would reduce to 98 spaces based on 75% attendance. It is considered that this could be managed by the issuing of permits. Non office parking of 46 No. spaces is intended based on 37 No. retail staff spaces and 9 No. spaces for the health centre, these figures being based on the TA. A total of 50 No. spaces are to be provided in the space between blocks G and H.

### Pedestrian accessibility

A number of people live within walking distance of the site and this number will grow as the new community is built out. Pedestrian links in the area are good and comprise a combination of footways alongside the carriageway and public rights of way. Crossing points are currently dropped kerbs only, however a signal controlled pedestrian crossing of Highfield Spring fronting the site is proposed along with dedicated crossings at locations serving the local centre and bus stops. It is a cause of some concern that a lift is being proposed to allow access for disabled people from Highfield Spring. However, the provision of a series of ramps/steps linking Highfield Spring with Waverley Walk will facilitate access for wheelchair users which is considered to be a suitable alternative route without having to undertake a significant detour.

### Public transport

Public transport accessibility of the site is relatively good with reasonably frequent services to all major destinations in the area. A bus stop is located close to the frontage of the development and on Highfield Spring. The current level of service is unlikely to be sufficient to support the low level of car use that is assumed by the amount of parking provision. It is noted that the new proposed road connection between Waverley Square and Highfield Spring to the north will be available for bus use only and it is stated that further diversion of the 72 service will take place once the link is available (Handsworth to Tinsley via Meadowhall). On Rotherham bound journeys this would be of little value and might impose a time penalty on people wishing to access the AMP. The services have relatively good capacity for additional passengers at this point but on journeys into Rotherham in the am peak the bus rapidly fills with passengers in Catcliffe and Brinsworth. SYPTE have been in discussions with the developer and bus operators regarding the proposed bus interchange, the success of which is dependent on the provision of the new link road (and bus gate) from Highfield Spring which the developers intend to construct early in the build process.

In support of this, South Yorkshire Passenger Transport Executive (SYPTE) have been consulted on the application and have confirmed that *"discussions have taken place between SYPTE, the bus operators and the developers regarding the bus interchange. SYPTE initially had reservations about the size and location of the Interchange, as well as concerns about the operational safety.*

*Following discussions the interchange was reduced in size, a link road with a bus gate proposed to provide direct access to the Interchange and the operators agreed they would be able to operate safely with the current design. Although SYPTE do still have some reservations about the pedestrian/car/bus conflicts.*

*This improved access via the link road and bus gate is critical to the success of the interchange as it will provide a more direct route into the interchange improving journey times and potentially attracting additional services such as the 74 which currently serves Morrison's*

*Without this link the Services A1/ 72/ 74 would not be able to serve the interchange as the time penalty of traveling around the development site would be too great. This would also mean there would be a requirement for additional bus stops on Stephenson Way.*

*The 72 and 74 services are commercial and as such SYPTTE have no control over their routes. The A1 is not a commercial venture and runs wholly on an SYPTTE subsidy so we are able to dictate the route. It is however at risk of being cut further/completely.*

*It is important to note that an interchange can only ever be a successful if it is used and therefore the access and layout needs to be attractive to bus operators.”*

Whilst it is acknowledged that the PTE have concerns about the pedestrian/car/bus conflicts and proposed new access from Highfield Spring, they have not objected to the proposals, merely informed the LPA that the link is critical to the success of attracting bus operators to the site. In this regard there is an aspiration by the applicant to provide this link at the very earliest opportunity and it is recognised that the success of the bus station is dependent upon this road being implemented.

Despite this, the TA confirms that the road is unnecessary to make the development acceptable and the conclusions of this are accepted by the LPA. Nevertheless the applicant has confirmed that their intention is to construct the road early in the build process and would therefore be willing to accept a condition requiring the construction of the road prior to the first occupation of the development.

Bearing this in mind and having regard to the proposal from a public transport perspective, the proposal is considered to be acceptable in that there is an aspiration to enhance public transport provision within the area, thereby adding to the sustainable benefits of the proposal in accordance with the provisions of Core Strategy policy CS14 'Accessible Places and Managing Demand for Travel, and paragraph 17 of the NPPF.

#### Cycling accessibility

The site benefits from an extensive mix of on-road/off-road and shared use cycle infrastructure which extends over the border into Sheffield. Furthermore cycle storage is to be provided for 18 bicycles but it is anticipated that each occupier would organise their space to meet the needs of their individual staff. It is therefore considered to be highly accessible to cyclists.

#### Road safety

No road safety problem has been identified in the TA.

#### Travel Planning

The travel plan for the Waverley New Community development is in the process of implementation. The local centre travel plan proposes close connection with the New Community travel plan. The submitted plan is in outline form and will have to be conditioned for implementation prior to occupation.

#### Layout

With regard to the submitted layout (8450s/800H) this has been the subject of extensive discussion both at pre-application stage and during the determination of the application to take into account a number of factors including pedestrian and vehicular access, servicing and general movement within the site.

In this regard a pedestrian crossing is proposed on Highfield Spring, which is required to aid pedestrian connectivity to and from the AMP and beyond. The detail of this will be secured via a suitably worded condition and will comprise of a signal controlled facility.

A new access road is proposed as part of the application between Highfield Spring and the bus interchange. No details, except for the proposed alignment within the red line boundary have been submitted as part of the application; therefore full details will be necessary and secured via a condition which will allow a full assessment of the detail at this stage.

Details of vehicle tracking movements have been submitted as part of the application, these indicate how large vehicles will service the larger units located within Blocks B, E and F. The Council's Transportation department have assessed the detail of these plans and considered them to be broadly acceptable, however it is noted that a vehicle reversing across the proposed bus interchange is not an ideal situation in road safety terms. Nevertheless, it is considered that these movements would be infrequent and would not warrant a refusal of planning permission on this basis.

Following discussions with the applicant, revisions to Waverley Walk have been made to include a ramp and steps at the junction with Highfield Spring. Whilst this will result in the loss of 8 staff parking spaces from the adjacent car park when compared with the original submitted site layout, it is considered that the pedestrian accessibility benefit outweighs possible parking issues that could be controlled by other means such as travel plan measures, car parking management and traffic regulation orders.

### Response to Concerns Raised by Local Residents

Objections to the proposal have been received in terms of road safety, traffic flow, car parking provision and parking restrictions. Furthermore, concerns regarding the travel plan and public transport provision have been raised. These points are addressed in the following paragraphs.

An analysis of the road safety implications of the development has been undertaken as part of the TA which did not reveal any existing accident patterns. The existing and proposed development roads have been and will be designed in accordance with current design criteria based on the anticipated level of vehicular/pedestrian activity.

It is not anticipated that there will be a material impact on traffic flow out of the estate, along the Parkway, a peak times. The pattern of movement to and from the estate are in opposite directions to the traffic generated by the mixed use centre as well as being at slightly different times.

A car parking accumulation study has been submitted to support the TA which analyses likely parking demand. Parking restrictions and / or enforcement, which could be introduced in the event of any overspill parking in adjacent public highways resulting from the development. In this regard, the developers have agreed to fund any essential Traffic Regulation Orders. RMBC will not however enforce parking restrictions on unadopted roads. The Council operates maximum car parking standards for new commercial developments. In this instance, other developments of a similar scale built by the same developer have been used to gauge the needs of the development. A substantial number of linked trips associated with the various

uses in the development are anticipated and the different retail uses will see traffic attraction at different times.

The proposed access roads have been designed with a view to controlling vehicular speeds and promoting pedestrian safety. No major traffic problems have ever been reported at the main entrance to the development which is off Mitchell Way, near the Winter Green PH.

The statement that 700 jobs are to be created is not reflected in the TA. An analysis of the intended floor areas in conjunction with the TRICS database indicates that a maximum of 150 spaces will be necessary for staff. The volume of traffic using Stephenson Way generated by staff accessing the local centre will be much less than the originally intended office development, approved under ref: RB2008/1695 and which remains extant. The travel plan makes sure that parking demand from the development is catered for on site. It cannot be required to address existing issues that the development did not give rise to.

At this stage of the proposals, it is not possible to determine what additional bus services the development will support, however there are existing bus stops on Highfield Spring and not all services would need to pull into the bus stands so the provision seems adequate for a development of this size which is designed to cater for local demand, being unlikely to attract a sub-regional clientele. The proposed access road linking Highfield Spring with the bus interchange is intended to have a bus gate.

#### Transportation Conclusion

Following an assessment of the application documents, plans and supporting information and having been appraised by the LPA, it is considered that subject to appropriate conditions, the development would not have a detrimental impact on highway safety in the context of NPPF paragraph 32 as well as providing satisfactory pedestrian and vehicle access and car parking/manoeuvring, delivery parking and manoeuvring. It is therefore considered that the proposal would meet the requirements of the NPPF and Core Strategy policy CS14 'Accessible Places and Managing Demand for Travel.

#### Landscape, Public Realm and Ecology

With regard to Landscape and Public Realm matters, Policy CS21 'Landscapes', states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.'

The application is accompanied by a Design and Access Statement together with a landscaping masterplan which provide details of how landscaping is to be accommodated on site. The key opportunities will be around Waverley Walk, the active edges of the proposed buildings, around public squares and in car parking areas. The applicant has a track record of providing high quality public realm at previous similar developments (Fox Valley in Sheffield, and Marshall's Yard, Gainsborough).

The form of design is a courtyard arrangement with centrally located parking. The car parking materials proposed are high quality and attractive and appropriate scheme of planting is proposed throughout, including formal hedgerows, ground cover planting and Tree planting. Areas of public realm are incorporated into the design of the scheme, including a central square for events and markets and an area of spill out from restaurants and cafes with fountains which create an attractive character and feel to the area.

The redline boundary also includes for extending Stephenson Way and providing a new junction with Highfield Spring, however no landscape proposals have been submitted for this section of highway. Despite this it is considered that this route should form the same character, pallet of materials and plant species established and implemented along Stephenson Way/ Mitchell Way which can be secured through a suitably worded condition.

Having regard to Waverley Walk, discussions have been ongoing with the applicant regarding possible routes of Waverley Walk. The key issue to address was overcoming the large embankment / change in levels from Highfield Spring into the site. A number of alternatives were considered, however the most suitable route was agreed to run to the north of the local centre adjacent to the existing AMRC. It was also established that steps and access ramped paths at a 1: 21 gradient are achievable and provide the most accessible inclusive solution.

In addition, a platform lift, and feature stepped bridge links the restaurants/ coffee shops and offices within Block G of the local centre directly from Highfield Spring. Furthermore, there is a secondary link from Waverley Walk, via the bus station, which provides connectivity to the AMRC building. This is considered to offer greater flexibility for future management of the local centre, should there be a desire to secure the links through the local centre overnight.

It is therefore considered that the proposed landscaping and quality of the public realm is acceptable for this important site as a central hub for the wider Waverley site. Accordingly the proposals accord with the provisions of Policy CS21 'Landscapes' and the objectives of Section 7 of the NPPF

Turning now to the ecological impact of the proposed development Policy CS20 'Biodiversity and Geodiversity' indicates that 'The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.'

In support of the application, an Extended Phase 1 Habitat Survey, Breeding Bird Survey and Preliminary Ecological Assessment has been submitted. The assessment is based on work undertaken in 2015 and 2016 and includes surveys to establish the potential presence of bats, birds, badgers and amphibious fauna on the Application Site. The survey refers to the fact the application site has been restored from its previous mining use and is considered to be of low/local ecological value.

Nevertheless, a number of mitigation measures are proposed within the report and it is concluded that the proposed development will not have an adverse effect upon ecology and indeed there is potential through biodiversity mitigation proposed to

provide benefits to ecology on the Site. The suggested mitigation measures include the following:

- Future developers and site owners within this site should be encouraged to become 'stakeholders' in a biodiversity action plan;
- An ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods ;
- It is recommended that any vegetation clearance be undertaken outside of the bird breeding season. Monitoring will comply with the SBAP. AES-LTD will be appointed to implement the monitoring and check compliance;
- In order to minimise the potential ecological effects of the proposals appropriate measures will be undertaken to control dust, noise and site lighting;
- Appropriate working and material storage methods will be implemented throughout the construction period to ensure adjacent habitats are not adversely affected by the proposals;
- Green infrastructure will be provided to include native trees and shrubs;
- It is proposed that the red shale area in the western corner of the Application Site where the Little Ringed Plover breed is not to be developed but to be enhanced with shale and gravel and large stones/boulders to encourage the breeding status of Little Ringed Plover to continue;
- The grass bank habitat located to the west of the proposed development area is to be maintained and also enhanced by sowing wild flower seed into the grassland, to encourage invertebrates and birds to use it as a breeding and feeding area;
- Roosting and nesting facilities will be incorporated into the fabric of the new builds; and
- Consideration is to be given to low level lighting of the development as well as consideration to minimise light pollution to reduce impact on any retained habitat.

The Council's Ecologist has assessed the contents of the report, paying particular attention to the proposed mitigation measures and has confirmed that the methods used were appropriate, therefore he is in full agreement with the results and recommendations. As such and subject to an appropriately worded condition securing the mitigation measures outlined above no objections are raised as the proposal complies with the provisions of Policy CS 20 'Biodiversity and Geodiversity'.

### **Impact on Living Conditions**

Paragraph 123 of the NPPF requires that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise.

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

Planning permission will not be granted for new development which:

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

The nearest occupied residential properties are located on Stephenson Way opposite the rear elevation of Blocks B and C. Additional residential dwellings are currently under construction along Mitchell Way. Consideration, in respect of potential comings and goings, traffic, noise, odour, lighting, outlook, privacy, and any overbearing impacts as well as potential wider impacts is necessary, particularly given that concerns have been raised by surrounding residents and that the development of the site would result in a large scale development of the site.

The properties located along Stephenson Way are generally 2 to 3 storeys in height. These properties look directly onto the site and as such it is acknowledged that there would be a resultant impact on residential amenity involving a small number of properties. It is important therefore that the living conditions of these properties are given careful, full and proper consideration and measures put in place where possible to mitigate potentially harmful impacts. Indeed, Officers have raised concerns regarding the noise and disturbance that could potentially result from a service yard being located on this elevation which resulted in the submission of a Service Yard Management Plan which seeks to ensure that the vehicles operate efficiently and effectively when serving the units; thereby minimising any incidence of potential disruption from potential noise disturbance to local residents. The Plan requires the following physical noise mitigation measures to be installed:

- Gate to the yard to be of solid construction
- Gates to be maintained and operable with minimum noise
- Telephone /Radio system to allow driver to speak with the store when delivery vehicle parked up offsite
- Surfacing of the service yard to be of smooth tarmacadam or similar with no mixed height joints.

The external yard will not be used at night (00:00 – 06:00) with the exception of receiving and unloading a maximum of 2 deliveries direct into the docking bay. This includes:

- No return of salvage at night.
- No use of cages or roll pallet trucks at night.
- No use of the compactor at night.

Further information regarding the unloading process is also provided, which include measures such as:

- Ensure engines are switched off;
- Manoeuvring should be minimised;

- Goods will be offloaded from the vehicle directly into the internal loading bay;
- No reversing alarms will be used between 06:00 – 08:00. During this period, a banksman will be employed.
- There should be no radios left on;
- Doors should be closed without excessive force;
- There should be no shouting in the external yard area;
- There should be no use of vehicle horns in the area; and
- Drivers should seek to:
  - lower loading plates into the correct position with minimal noise;
  - avoid making contact with trailer walls, lift guardrails and other obstructions; and
  - maintain conversation to a minimum.

The Council's Environmental Health Officer has reviewed the contents of the Plan and whilst it is recognised that they would be a change to and a busier environment generally, including potentially more traffic and associated noise, it is considered that this would not be of an unacceptable level in respect of comings and goings, traffic noise, noise or, lighting due to the separation distances involved and the proposed mitigation measures outline in the aforementioned Service Yard Management Plan. In this regard a number of conditions are recommended, which will ensure that the appropriate safeguards as set out in the Plan are put in place to protect the existing residents from undue noise and disturbance associated with the scheme.

Having regard to the siting of the proposed development, it will be located between 40 and 60m from the residential properties on Stephenson Way. Amendments to the external elevation of Block B were requested to include large areas of glazing in an attempt to reduce the massing and provide a more attractive outlook. This together with the landscaping strip proposed along the length of this street and the distance between the existing and proposed built form will reduce the potential for adverse effects in terms of loss of light, privacy and overbearing impact.

Turning to the impact of the development on the properties currently being constructed along Mitchell Way, these will be at a distance which would be considered acceptable in relation to outlook, privacy, overbearing impact and light. In respect of other matters such as noise, traffic, traffic noise and comings and goings, it is considered that these can be adequately controlled and minimised to the extent that this would be to an acceptable level.

In conclusion, the proposed development has been considered having regard to the requirements of Policy ENV3.7 and the NPPF in relation to the compatibility of land uses and it is considered that whilst there is a potential for adverse effects upon the living conditions of existing and future residents, appropriately worded conditions can be imposed which will ensure that the appropriate safeguards as set out in the Service Yard Management Plan are put in place to protect these residents from undue noise and disturbance associated with the scheme.

### **Drainage and Flood Issues**

Part 10 of the NPPF advises that development should be directed towards areas at lowest risk from flooding, ensuring that development does not increase flood risk elsewhere.

Core Strategy Policy CS25 'Dealing with Flood Risk' seeks to ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. It advises that this should be demonstrated through a sequential approach and having regards to its flood zone allocation as identified via the Environment Agency's flood maps. It should accord with the recommendations set out in the Strategic Flood Risk Assessment and be supported by a detailed Flood Risk Assessment (FRA) having regard to the guidance in both the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

The application site is shown on the Environment Agency's flood risk map as being within Flood Zone 1 (i.e. land assessed as having less than a 1 in 1000 year annual probability of river flooding), and there are no other significant flood risks that will adversely impact on the development.

A Flood Risk Assessment (FRA) has been prepared and submitted in support of the application, in addition to a separate drainage strategy. The FRA confirms that the site lies within Zone 1 of the Environment Agency's Indicative flood map. Development of the site will considerably increase impermeable areas when compared to its current status. However, strategic drainage infrastructure has been provided to allow for this development. Surface water will be drained to the existing surface water sewers which serve the development. Nevertheless, attenuation will have to be provided to contain the run off resulting from a 1:100 year event plus climate change. Consequently, attenuation will be provided and the flow into the surface water network will be restricted to two outlets restricted to 250l/s each. The new link road also requires attenuation and it is proposed that this is achieved by the use of an oversize (900mm dia) surface water drain. This drain can then discharge into the same public SW drain as the main development at a nominal discharge rate of 10l/s. The foul drainage from the proposed development will discharge to the existing 150mm diameter foul sewer connections already provided. Development of the site in the manner outlined in this report will reduce the risk of flooding to the site and the surrounding catchment upstream and downstream.

In assessing the content of the submitted FRA and Drainage Strategy, the Council's Drainage Engineer requested clarity regarding calculations for the storage volumes, an indication of where the attenuation could be provided and a check that the attenuation could be fully utilised before flooding occurred. Following the submission of this information it was agreed that the site would drain appropriately, however specific details should be provided prior to the construction of the built development and secured via a condition. This approach is accepted by Yorkshire Water and the Environment Agency who raise no objections to the proposal subject to the imposition of a condition requiring the submission of drainage details for the disposal of surface water and foul sewage.

Having regard to the above and subject to the recommended conditions/informative it is considered that the proposals accord with Policy CS25 'Dealing with Flood Risk,' and the advice contained within the NPPF.

### **Geotechnical and Land Contamination Issues**

The NPPF notes at paragraph 120 that: "*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*"

The NPPF further advises at paragraph 121 that; *“Planning policies and decisions should also ensure that:*

- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
- *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- *adequate site investigation information, prepared by a competent person, is presented.”*

Furthermore, Policy CS27 ‘Community Health and Safety’ indicates that Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

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. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality. Proposals within Coal Mining Development Referral Areas must be accompanied with a risk assessment.

The application is accompanied by a Preliminary Risk Assessment and Geo-Environmental Assessment and a Coal Mining Risk Assessment. These collate and update previous ground investigations undertaken on the site and conclude that the risk posed from ground conditions and the area’s past mining activities is generally low. The results of the assessment indicate that unacceptable risks to human health are unlikely to be associated with the site. Assessment of the ground gas regime is ongoing however no significant concentrations of ground gas have been recorded to date. The report confirms that an addendum report will be issued to the Council upon completing of monitoring. The assessment also concludes that remediation is not required

With regard to coal mining risks, the assessment concludes that there is no risk to the proposed development from shallow underground coal mining or old mine entries, therefore no mitigation is required. Furthermore the previously completed surcharge treatment has addressed any potential for long term or differential settlement of the opencast backfill present beneath the Application Site.

Having regard to the above the Council’s Land Contamination Officer and the Environment Agency have assessed the content of the reports and generally concur with the findings, however it is considered likely that some remedial works will be required to bring the site to a suitable condition to be protective of human health for its proposed end use. On that basis a number of conditions are recommended to deal with gas monitoring and unexpected significant contamination.

Having regard to the above, it is concluded that the proposed development complies with Policy CS27 and Paragraphs 120 and 121 of the NPPF

## **Other Matters**

The development will result in the loss of a small play park which is currently located on the Stephenson Way frontage. This equipment was provided by the landowner some time ago as a direct response to residents request for the facility and not as a result of a trigger for the delivery of a formal play park as required by the WNC S106. Nevertheless, the developer has indicated that this equipment will either be re-located within the WNC or a new park will be provided next year, ahead of the approved trigger point for delivery. Indeed Harworth have engaged with residents to establish which site would be the preferred option. In this regard, RMBC are confident that the loss of the play park will not be detrimental to overall provision of play facilities within the adjacent WNC.

## **Conclusion**

Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking, and that means approving development proposals that accord with the development plan without delay.

Core Strategy Policy CS33 Presumption in Favour of Sustainable Development also states that when considering development proposals the Council will take a positive approach that reflects the above NPPF paragraph.

In policy terms the key considerations are NPPF tests of its impact on other town centres and whether it complies with the sequential test.

The scale of proposed Class A1 retail floorspace is significantly larger than the proposed policy for such retail space at Waverley. Whilst there is no rigid cap on A1 space within the proposed policy, the scale of difference is such that a rigorous assessment of retail impact was required. The initial assessment, without any clear proposed controls, indicated a likely significant adverse impact on the health of, and existing investment within, Rotherham town centre.

Proposed controls over the gross retail floorspace, net comparison goods floorspace, along with a restriction over the range of comparison goods to be sold make a material difference to the scale of overall impact on Rotherham town centre. In particular, whilst the overall cumulative direct financial impact may not reduce, the level of trading overlap with the town centre will materially reduce as will the influence of the Waverley development on wider shopping patterns.

The effect of these controls is such that the prediction from the proposed development being likely to have a significant adverse impact upon Rotherham town centre can be amended to one where such a 'likelihood' cannot be predicted. Nevertheless, an adverse impact upon Rotherham town centre remains and this needs to be weighed in the overall planning balance. The impact of the Waverley development obviously needs to be seen in the context of the wider cumulative impacts of committed and proposal retail developments in the local area. There are further retail developments which will add to the growing impact upon the health of Rotherham town centre, which is of concern, but after further consideration it is

considered that a suitably controlled development can avoid it having a significant adverse impact on Rotherham town centre.

Having considered the impact of the proposal on existing, planned and committed town centre investment, it is concluded that there is unlikely to be any significant adverse impact upon planned or committed investment in Rotherham town centre.

Having assessed the principle of development it is necessary to consider it as part of the overall planning balance. A number of benefits would result from the proposed development, including the creation of jobs and the provision of community facilities which include a health and community centre, bus station and food and drink provision. These are important community benefits that will aid in the continued sustainable development of the Waverley New Community and adjacent AMP.

The other benefits of the proposed development include the regeneration of this previously undeveloped site to the benefit of the self-sufficiency of the new community and surrounding areas, the provision of permanent jobs and benefit to the local economy; the provision of leisure and recreation facilities and connection of the centre with the AMP via the new pedestrian links across Highfield Spring, which include the provision of a new signalised pedestrian crossing, bridge into the proposed development and access ramp on Waverley Walk.

In addition to the above, the design and materials to be used in the construction of the development is exceptionally high and will assist in creating a central hub for the residents and employees of Waverley. This, together with the employment proposals which form part of the application will provide a successful link between the residential properties and the AMP.

When these benefits are weighed against the impact of the proposal on the town centre, a balance has to be struck. The NPPF is clear in its advice that permission should be refused if the impact of an out of centre retail proposal on a defined local centre is likely to have a 'significant adverse impact'. In this instance and with the strict controls in place, the impact has been reduced and such likelihood cannot be predicted, therefore it is considered that the development, whilst having an impact on the town centre will bring with it a host of benefits that act as material considerations and on this occasion it is considered that these outweigh the adverse impact on the town centre.

The proposal has also been assessed in terms of all other relevant planning matters including the potential effects on matters including transportation issues, residential amenity, landscape and ecology, flood risk and drainage and geological. Consultees have been consulted and raise no objection, subject to conditions.

In overall terms, the proposal is therefore considered to be in accordance with all relevant parts of policies of the Development Plan and subject to the National Planning Casework Unit not calling in the application for determination; it is recommended that planning permission be granted for the proposed development subject to the following conditions.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 9 & 26 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 9 & 26 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

## **General**

01

The development hereby permitted shall be commenced before the expiration of five 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 location 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 Layout**

- 8450s/800H pr Site Plan
- 8450s/801B Location Plan

### **Block A**

- 8450s/100D Block A pr Ground Floor Plan
- 8450s/101D Block A pr First Floor Plan
- 8450s/102D Block A pr Elevations
- 8450s/103C Block A pr pr Elevations

### **Blocks B & C**

- 8450s/200E Block B&C pr Ground & First Floor Plans
- 8450s/201E Block B&C pr Elevations

### **Block D**

- 8450s/300E Block D pr Ground Floor Plan
- 8450s/301D Block D pr First Floor Plan

- 8450s/302D Block D pr Elevations 1 of 2
- 8450s/303D Block D pr Elevations 2 of 2

Block E

- 8450s/400D Block E pr Ground Floor Plan
- 8450s/401E Block E pr First Floor Plan
- 8450s/402D Block E pr Elevations

Block F

- 8450s/500C Block F pr Ground Floor Plan
- 8450s/501D Block F pr Roof Top Plan
- 8450s/503D Block F pr Elevations
- 8450s/504C Block F pr Elevations
- 8450s/505C Block F pr Elevations
- 8450s/515A Block F pr Elevations

Block G

- 8450s/600E Block G pr Ground Floor Plan
- 8450s/601E Block G pr Elevations
- 8450s/602C Block G pr Roof Top Plan

Block H

- 8450s/700J Block H pr Ground & First Floor Plan
- 8450s/702E Block H pr Elevations

Topo & Sections

- 17317-2D-Topo
- 8450/107 Proposed GA Section
- 8450/206 Proposed GA Section
- 8450/305 Proposed GA Section
- 8450/403 Proposed GA Section
- 8450/506 Proposed GA Section
- 8450/507 Proposed GA Section
- 8450/604 Proposed GA Section
- 8450/703 Proposed GA Section
- 8450/805A pr Site Sections
- 8450/806 pr Site Sections

Boundary Treatments and Access Ramp

- 8450s/sk819 Proposed Waverley Walk feature ramp
- 8450/802 Block B&C Service Yard Wall
- 8450/803 Block D Service Yard Wall
- 8450/804A pr Street Elevations
- 8450/807 Feature Wall Elevations
- 8450/808 Feature Wall Details

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site to include the correct colour mortar and window frames. The development shall be carried out in accordance with the approved details.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Policy CS28 'Sustainable Design'

04

No part of the development shall be occupied until details of the external lighting of the building(s) and external area(s) within that part have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the part of the development to which they relate is occupied and retained as such thereafter, or until replaced by an alternative lighting scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of amenity and highway safety, in accordance with the National Planning Policy Framework.

### **Use and Floorspace Restrictions**

05

The Class A1 development hereby permitted shall have a maximum gross floor area of 9,201 sq m GIA. The following activities shall be allowed to operate within the development but are excluded from, and not subject to, this floorspace limit: hairdressers, nail bars, beauty salons, travel agencies, ticket agencies, undertakers and funeral directors, post offices, outlets selling cold food for consumption away from the premises, hire shops, dry cleaners, clothing repairers.

Reason

In order to minimise the impact on the town centre in accordance with guidance contained within the NPPF

06

The Class A1 retail development hereby permitted shall have a maximum comparison goods sales floor area of 5,480 sq m. Within and as part of this sales floor area limit, no more than a total of 2,650 sq m shall be used for the sale of a range of goods comprising clothing and footwear (including sports clothes and footwear), health and beauty goods, jewellery, perfume, watches, toys and games.

Reason

In order to minimise the impact on the town centre in accordance with guidance contained within the NPPF

**Highways**

07

No above ground development shall take place until a Scheme has been submitted to and approved in writing by the Local Planning Authority to show:

- i. Phasing arrangements for the proposed bus interchange being brought into use.
- ii. Details of the proposed road, including bus gate, linking Highfield Spring with the proposed bus interchange and the phasing arrangements for this infrastructure to be constructed to adoptable standards.
- iii. Details of a signal controlled pedestrian crossing of Highfield Spring fronting the site and the phasing arrangements for this crossing to be brought into use.
- iv. Road section, construction and drainage details, and the phasing arrangements for these details to be implemented.

The Scheme shall be implemented as approved.

Reason

In the interests of road safety

08

A Car Parking Management Plan shall be submitted to and approved by the Local Planning Authority before any part of the development is brought into use and the approved details shall be implemented as approved, or in accordance with any subsequent variation that shall first have been submitted to and approved by the Local Planning Authority.

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.

09

A Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority before the development is commenced and the approved details, which shall include, details of parking by construction staff/delivery vehicles, a materials compound, measures to prevent/deal with mud etc. deposited in adjacent roads shall be implemented.

Reason

In the interests of road safety.

10

No part of the development shall be occupied until a cycle parking Scheme showing details in accordance with the Council's Cycle Parking Standards has been submitted to and approved by the Local Planning Authority. The Scheme shall be implemented as approved and in accordance with phasing arrangements to be set out within the Scheme.

Reason

In order to promote sustainable transport choices.

11

The measures contained within the travel plan received on 14<sup>th</sup> September 2017 shall be fully implemented during the lifetime of the development. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the travel plan following submission of progress performance reports as timetabled in the monitoring strategy.

Reason

In order to promote sustainable transport choices.

12

The car parking area shown on the Site Plan reference 8450s/800H shall be provided in accordance with phasing arrangements which shall first have been submitted to and approved by the Local Planning Authority, 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.

13

The existing vehicular access mid-way on the site frontage to Stephenson Way shall be permanently closed and the kerbline/footway reinstated before the development is first brought into use.

Reason

In the interests of road safety and to ensure that the access is closed immediately it is no longer required.

**Environmental**

14

Prior to the occupation of Block B, details of the proposed wall and gate to the service yard which allows for acoustic screening between the properties and the delivery area and docking bay shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

To safeguard the amenities of nearby residential properties from any undue noise in accordance with the provisions of Policy ENV3.7 'Control of Pollution'.

15

Details of the proposed surface material to be used in the service yards shall be submitted to and approved in writing by the Local Planning Authority. No part of the development served by the service yards shall be brought into use until such approved details are implemented for that part.

Reason

To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise in accordance with the provisions of Policy ENV3.7 'Control of Pollution'.

16

The development hereby permitted shall be carried out in full accordance with the details contained within the Service Yard Management Plan dated August 2017. This Management Plan shall be reviewed annually for a period of three years and findings submitted to the Local Planning Authority for approval. The development shall thereafter be carried out in accordance with the findings of the latest approved Plan.

Reason

To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including delivery vehicles entering and leaving the site as there is limited information as to the exact times and number of delivery lorries entering and exiting the service yard at Block B.

**Drainage**

17

Prior to the commencement of any above ground development a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details, which shall include the phasing of its implementation. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off in accordance with the submitted drainage strategy;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.
- The details shall include the quantum of impermeable areas within the development that will drain to public sewer.

Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water prior to the completion of the approved surface water drainage works downstream of the point of connection

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of

Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

18

Any 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.

These areas shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

19

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse. Roof drainage should not be passed through any interceptor.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

20

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes and design of buildings to prevent entry of water, shall be submitted to and approved by the Local Planning Authority and the development shall only be brought into use in accordance with phasing arrangements to be specified on the approved drawing.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

### **Ecology**

21

The development hereby approved shall be carried out in full accordance with the mitigation measures outline in paragraph 8.1 of the report entitled 'Extended Phase 1 Habitat Survey, Breeding Bird Survey and Preliminary Ecological Assessment' dated 30/03/2017 or such other measures which shall first have been submitted to and approved by the Local Planning Authority.

Reason

In the interest of biodiversity at the site in accordance with Policy CS20 'Biodiversity and Geodiversity and guidance contained within the NPPF.

## Landscape

22

Prior to any above ground development taking place, details of both hard and soft landscaping to the public realm areas of the centre, including Waverley Walk shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:

- Existing and proposed finished levels
- Car parking layouts
- Details and arrangement of steps & ramped access to Waverley Walk
- Hard surfacing materials to pedestrian and vehicular areas
- Minor artefacts and structures (e.g. furniture, water features, public art, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground where likely to impact on tree planting (e.g. drainage, power, communication cables, pipelines, inspection chambers, etc)
- Highway visibility requirements
- Retained existing site features where relevant
- Planting plans, Written specifications (including ground preparation, cultivation and other operations associated with plant and grass establishment) Schedules of plants, noting species, planting sizes and proposed numbers / densities or planting distances
- Written details of the responsibility for ongoing maintenance and a schedule of operations.
- An implementation programme.

Development shall thereafter be implemented in accordance with the approved details and in within a timescale agreed, in writing, by the Local Planning Authority.

### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', CS21 'Landscapes' and ENV3.4 'Trees, Woodlands and Hedgerows'.

23

Prior to first occupation of the development a detailed landscape scheme for roadside planting to Stephenson Way access Road shall be submitted to, and approved in writing by the Local Planning Authority.

The landscape scheme shall be prepared to a minimum scale of 1:200. The landscape scheme shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.

- The positions, design, materials and type of any boundary treatments or gateway features to be erected were relevant.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for ongoing maintenance and a schedule of operations.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and implemented within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', CS21 'Landscapes' and ENV3.4 'Trees, Woodlands and Hedgerows'.

24

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', CS21 'Landscapes' and ENV3.4 'Trees, Woodlands and Hedgerows'.

### **Land Contamination and Ground Conditions**

25

In the event that gas protection measures are required for any block, details of the measures to be installed shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the construction of the relevant block. The development shall thereafter be carried out in full accordance of the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26

Prior to the commencement of development a Materials Management Plan detailing the cut and fill exercises to be undertaken shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance of the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27

All foundation works to be undertaken shall be carried out in accordance with sections 7.3.1 – 7.3.4 and 9.4.1 – 9.4.2 detailed in the Geo-Environmental Assessment – Waverley Square - prepared by RSK Environment Ltd, dated January 2017, reference 350132 – R02 (01) or such other details which shall first have been submitted to and approved by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28

In the event that subsoil's / topsoil's are required to be imported to site for fill exercises/ soft landscaping works, these soils shall first be tested at a rate and frequency to be agreed in writing by the Local Planning Authority to ensure they are free from contamination. If materials are imported to site the results of testing thereafter shall be presented to the Local Planning Authority in the format of a Verification Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

29

A Design sulphate classification of DS-4 and the corresponding aggressive chemical environment for concrete (ACEC) AC-4 should be adopted for all sub surface concrete, the details of which shall be submitted to the Local Planning Authority for approval within a validation report prior to the sub surface concrete being poured.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

30

Prior to the installation of water supply pipes, details of these shall be submitted to and approved in writing by the Local Authority to ensure resistance from chemical attack from residual contaminants remaining in the ground.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

31

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority and works shall thereafter be carried out in accordance with an approved Method Statement to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

32

Following completion of any required remedial/mitigation works a Verification Report shall be submitted to and approved in writing by the Local Planning. The Verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The relevant part of the site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

Reason

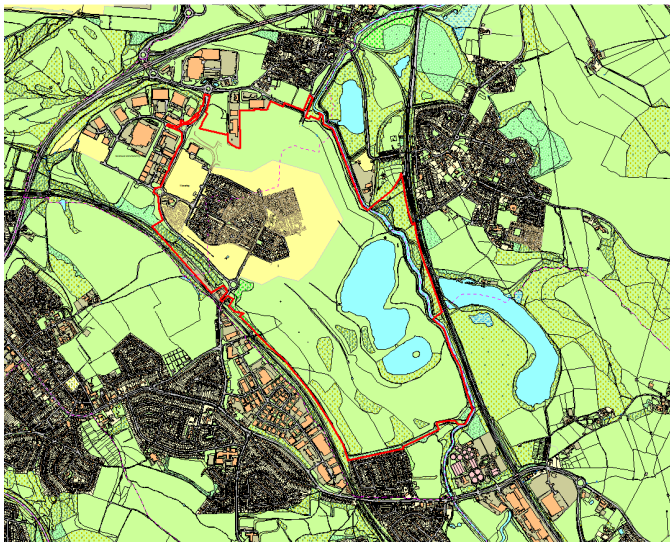
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**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.

<b>Application Number</b>	<b>RB2017/0743</b>
<b>Proposal and Location</b>	Application under Section 73 for a minor material amendment to vary conditions 2, 3, 4, 6, 7, 8, 14, 16, 22, 24, 37 & 39 imposed by RB2015/1460 (Outline application for Waverley New Community) which relate to the Masterplan Development Framework and Principles Document, floorspace limits of none residential use classes and highway improvement works at Waverley New Community, off High Field Spring, Waverley for Harworth Estates
<b>Recommendation</b>	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the same obligations as was previously secured through Planning Permission RB2015/1460 with minor amendments relating to the following:</p> <ul style="list-style-type: none"> <li>• <u>Education</u> – changes/updates principally to wording relating to the BCIS Index uplift;</li> <li>• <u>Community Centre</u> – simplified definition for community facilities (removal of reference to letting/rent), reduction of floorspace to match that proposed for the Highfield Commercial Mixed Use Centre proposal;</li> <li>• <u>Healthcare Centre</u> – reduction in floorspace to match that proposed for the Highfield Commercial Mixed Use Centre.</li> <li>• <u>Link Road</u> – Removal of the contribution;</li> <li>• <u>Travel Plan Measures</u> – addition of text to include “or related infrastructure”.</li> </ul> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions outlined below</p>

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



## Site Description & Location

The entire application site occupies an area of approximately 230 hectares and comprises the major part of the former Orgreave opencast mining site. Opencast mining operations ceased in January 2006 and following restoration construction has commenced on the new community comprising of approximately 450 dwellings to date.

To the north of the site is 20 hectares of land known as Highfield Commercial and beyond is the Advanced Manufacturing Park (AMP) which is approximately 40 hectares in area. Together the separate developments form a part of the overall Waverley site.

## Background

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990. Since then a number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, a number of applications were submitted relating to a new community, these are listed as follows:

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011
- RB2011/1296: Application under S73 for the continuation of outline permission with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011

- RB2012/1428: Application under S73 for the continuation of outline permission with all matters reserved except for the means of access for a new community comprising residential (3890) units commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of the works to be undertaken. - GRANTED CONDITIONALLY ON 26/04/2013
- RB2013/0584: Non-material amendment to application RB2012/1428 to include amendments to Conditions 03, 04, 26 and 48 - GRANTED CONDITIONALLY on 26/09/2013
- RB2013/0663: Details of the construction of a road, Highfield Lane (reserved by outline RB2012/1428) – GRANTED CONDITIONALLY on 22/07/2013
- RB2013/1496: Non-material amendment to RB2012/1428 to change wording of Condition 48 to allow Masterplan Parameters to be updated – GRANTED CONDITIONALLY on 27/11/2013
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way - GRANTED CONDITIONALLY on 29/09/2014
- RB2015/1380: Variation to the Section 106 Agreement attached to RB2008/1372 to vary the clauses within the Agreement that require Harworth Estates to provide land for a Park and Ride facility at Waverley New Community - AGREED on 10/12/2015
- RB2015/1460: Application to vary Condition 19 (details of improvement to B6066 Highfield Spring/Brunel Way (AMP North)) imposed by RB2014/0775 – GRANTED CONDITIONALLY on 17 December 2015

In addition to the above, a number of Reserved Matters applications have been submitted and subsequently approved amounting to approximately 868 dwellings.

## Environmental Impact

The proposed development falls within Schedule 2 (10)b 'Urban Development Project' of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. With regards to Column 2, the site exceeds the 0.5ha threshold.

The proposed development is considered to have the potential to give rise to significant environmental effects. Accordingly, the proposed development is regarded as EIA development and is subject of an environmental impact assessment (EIA) under the EIA Regulations.

## **Proposal**

Planning permission was granted in March 2011 for a new community comprising 3890 residential units, two primary schools, offices/financial services, retail, bars, restaurants & cafes, small shops, health centre, community centre, gym, hotel, public open space and associated infrastructure including combined heat and power generation plant and construction of roads, cycleways, footpaths and bridleways.

Subsequent to this, four separate applications for minor material amendments (Section 73) were approved by Members of the Planning Board in November 2011, April 2013, September 2014 and December 2015. These applications included variations to conditions relating primarily to parameter plans, phasing, density and transportation issues.

In taking forward further development at the WNC site, the applicant is seeking to amend and update the approved parameter plans and master plan principles to reflect the agreed Highfield Commercial Master Plan Development Framework Document which is required to supplement draft Policy SP69. Additional changes are sought to the land use plan which will include the replacement of part of the Park and Ride/Transport Interchange with residential use and the relocation of various uses from the Waverley Square local centre area to the waterfront local centre, ensuring consistency with the separate full application for the mixed use centre submitted on the Highfield Commercial site (reference RB2017/0650).

In summary, the area of the masterplan previously referred to as Waverley Square and the majority of the Park and Ride site is to be renamed Waverley Central Square and will comprise residential uses, whilst ancillary mixed use facilities, including retail, commercial and community uses will be reduced in size/quantum and relocated to the Lakeside Local Centre.

In addition to these minor material amendments to the Parameter Plans and Master Plan Development Framework & Principles Document, there are also various conditions which require variation or removal in order to consolidate the permission to reflect the latest position.

The proposed minor amendments to the conditions associated with the latest outline planning permission will enable the applicant to submit Design Codes which are consistent with the revised outline planning permission and then enable house builders to submit reserved matters applications that would produce acceptable and deliverable schemes. In summary the amendments sought relate to:

- The Master Plan Development Framework and Principles Document;
- Conditions which require amendment or removal (due to the associated works being complete or discharged); and
- The Section 106 Agreement via a Deed of Variation relating to:
  - Education – changes principally to wording relating to the BCIS Index uplift;
  - Community Centre – simplified definition for community facilities (removal of reference to letting/rent), reduction of floorspace to match that proposed for the Highfield Commercial Mixed Use Centre proposal;
  - Healthcare Centre – reduction in floorspace to match that proposed for the Highfield Commercial Mixed Use Centre.
  - Link Road – Removal of the contribution;
  - Travel Plan Measures – addition of text to include “or related infrastructure”.

### **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 ‘saved’ policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan ‘Publication Sites and Policies’ was published in September 2015.

The application site is allocated for Industrial and Business, White Land and Green Belt purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 ‘Delivering Rotherham’s Spatial Strategy’  
CS2 ‘Delivering Development on Major Sites’  
CS14 ‘Accessible Places and Managing Demand for Travel’

Unitary Development Plan ‘saved’ policy(s):

HG5 ‘The Residential Environment’

### **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 NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

## **Publicity**

The application has been advertised by way of press, and site notices along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

## **Consultations**

RMBC - Transportation and Highways Design – have considered the amendments to conditions requiring the delivery of junction improvements and based on the supporting technical data raise no objections. Consideration has also been given to amendments to the S106 Agreement, namely the removal of a financial contribution towards the delivery of Waverley Link Road and a minor amendment to the wording of Travel Plan Measures. These amendments are considered to be appropriate and will not be detrimental to the scheme as a whole.

RMBC – Drainage – do not wish to comment on the application as none of the amendments relate to the provision or assessment of flood risk and drainage.

RMBC - Landscape Design – originally raised concerns that the delivery of greenspace was not included within the content of the Framework Plan. This has been rectified and an amended document has been submitted which includes a table of delivery. On this basis, no objections are raised to the proposed development.

RMBC – Education – have considered the amendments proposed within the Deed of Variation and following discussions with the applicant accept that the revised wording would not be detrimental to the delivery of the 2 schools proposed as part of the approved development.

RMBC – Cultural Services - have considered the revised wording in the Deed of Variation and raise no objections to the reference to removal of reference to library provision and letting/rent to the Council.

Highways England – offer no objection to the proposed amendments.

South Yorkshire Passenger Transport Executive – raise no objections to the application for minor material amendments to the application of the revised wording within the Deed of Variation.

Sheffield City Council – have considered the proposals to uplift the trigger point for the delivery of junction improvements to Retford Road and based on the technical information submitted in support of the application are happy to accept the a new trigger of 1,000 dwellings.

Rotherham CCG - have considered the revised wording in the Deed of Variation and raise no objection to the inclusion of wording to allow the facility to be provided within either the Highfield Commercial site or the new community site.

SYPTE – raise no objections to the amendments to travel plan measures proposed in the Deed of Variation.

## **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 issues to take into consideration in the determination of the application are –

- The Principle of Development
- Changes to the Masterplan Development Framework and Principles Document
- Transportation Issues
- Amendments sought to the Section 106 Agreement

## The Principle of Development

Outline planning permission was granted for a new community on 16 March 2010 (RB2008/1372). Subsequent to this four separate applications have been made under Section 73 of the Town and Country Planning Act (RB2011/1296, RB2012/1428, RB2014/0775 & RB2015/1460) which sought to vary conditions attached to the outline permission and related primarily to the parameter plans, phasing and density of the development together with amendments to the trigger point for the implementation of works to the Poplar Way/Europa Way junction. These applications assessed the amendments against the NPPF, which came into effect and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) which the application was originally assessed against.

Since this time the Core Strategy has been adopted and replaces some of the original UDP Policies. With this in mind, Core Strategy Policy CS1 is of relevance. This policy identifies Waverley as a Principal Settlement and acknowledges that planning permission has been granted for the creation of a new community of 3890 homes with supporting services and facilities.

This current application does not seek to amend the fundamental outputs of the approved development, simply to make amendments to the approved Parameter Plans and Masterplan Framework Plan to reflect proposals to relocate some the Waverley Square local centre/mixed uses to the adjacent Highfield Commercial site (proposals being considered under a separate planning application reference RB2017/0650). Further amendments seek to vary conditions which make reference

to the Framework plan, the quantum of retail floorspace and trigger points for the delivery of junction improvements.

Accordingly it is considered that the amendments sought are in compliance with the requirements of Policy CS1 of the Core Strategy and consistent with the original permission which requires a minimum amount of retail floorspace (1,300sqm) to be provided within the development.

#### Changes to the Masterplan Development Framework & Principles Document

The Masterplan Development Framework and Principles Document is the main document accompanying the outline permission and its purpose is to inform further masterplanning and design codes and subsequent reserved matters submissions by housebuilders. The original document was approved in September 2014 following the submission of a Section 73 application. This sought to update key urban design and spatial design principles of the scheme to reflect the first stages of development already built on site and provide a more up to date and market facing design framework within which to consider future reserved matters applications.

The amendments sought to this document reflect the removal of the park and ride/transport interchange which was approved as an amendment to the Section 106 Agreement in December 2015 following consultation with South Yorkshire Passenger Transport Executive and relocation of some of the Waverley Square mixed uses to the adjacent Highfield Commercial site. The concept of a new local centre on this site has been established through draft policy SP69 contained within the emerging Sites and Policies document as part of a wider mix of permitted uses on the site.

A full application has been submitted for a new mixed use centre on the Highfield Commercial site (RB2017/0650). In addition to this, a revised version of the Highfield Commercial Development Framework Document (September 2017) and associated Transport Assessment has also recently been agreed.

Given that this scheme is intended to replace the consented Waverley Square local centre and Mixed Use Link that forms part of the WNC consent and sits within that part of the overall Waverley site, amendments to the approved Master Plan Framework and Principle Documents are required to bring it in line with the agreed Highfield Commercial Master Plan. This will include the replacement of the Waverley Square local centre retail uses and surrounding land with residential. Pursuant to this, retail (A1-A5) floor space across the WNC site would be reduced to a maximum of 1,300sq m (and relevant planning conditions varied accordingly) and be located within the secondary local centre at Waverley Waterside which is now intended to be secondary to the proposed main mixed use centre within Highfield Commercial.

These amendments are considered to be acceptable from a spatial masterplanning perspective and continue to provide a clear vision of how each identified space should come forward in the built form and will form an integral part of the design code for the character area in question. It is therefore considered that the proposals will assist in developing a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces in compliance with the provisions of Core Strategy Policy CS28 'Sustainable Design.'

Transportation Issues

The principle amendments having an effect on transportation matters relate to the variation of conditions 22, 24 and 27.

Having regard to condition 22 this states:

“No more than 550 No. dwellings shall be occupied on site until the proposed improvements to B6066 Main Street/B6067 Treeton Lane, Catcliffe, as indicated on plan No. PO-CE-WYG-01-SK28, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.”

It is proposed through this application to increase the trigger from 550 dwellings occupied to 805 for the improvements works at this junction, as well as to allow flexibility of the mitigation proposals brought forward through this condition.

Analysis of this junction has been undertaken by the applicant who has produced a technical note. Further surveys to obtain count data for this junction were conducted in March 2016 and the submitted note justifies and concludes that the trigger of dwellings for when the improvements to B6066 Main Street/B6067 Treeton Lane, Catcliffe are required can be increased from 550 to 805 dwellings occupied which should be in 2021.

Furthermore, given the change in traffic conditions at this junction, it is considered that the mitigation proposed and set out in Dwg No: PO-CE-WYG-01-SK28 as referenced in Condition 22 may not be the most suitable and appropriate mitigation solution. Therefore, it is proposed to also change the wording of the condition to allow for an alternative arrangement, to be submitted and agreed by the Council that might better reflect the prevailing traffic conditions. It is therefore proposed to vary the wording of Condition 22 to:

“No more than 805 No. dwellings shall be occupied on site until the proposed improvements to B6066 Main Street/B6067 Treeton Lane, Catcliffe, as indicated on plan No. PO-CE-WYG-01-SK28, or other alternative mitigation proposals, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.”

The Council’s Transportation department have assessed the information submitted in support of this amendment and confirm that the uplift in the trigger point is considered to be acceptable in highway and transportation terms.

Turning to Condition 24 which currently states:

“No more than 494 No. dwellings shall be occupied on site until the proposed improvements to B6200 Retford Road/Rotherham Road junction as indicated on plan No. PO-CE-WYG-01-SK30, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.”

The Applicant has prepared a new design of the junction and submitted it to Sheffield City Council for comment, due to its location being within their administrative

boundary. Despite this no formal comments have been received. The applicant is therefore applying to increase the trigger of dwellings occupied in this condition from 494 to 1,000 to ensure the applicant is not in breach of the planning permission and to allow design feedback to be received from Sheffield City Council. This will enable a formal discharge of conditions application to be made and the condition removed from the permission in a suitable timescale to ensure there is no breach of the outline planning permission. It is therefore proposed to amend the condition to read as follows:

“No more than 1,000 No. dwellings shall be occupied on site until the proposed improvements to B6200 Retford Road/Rotherham Road junction as indicated on plan No. PO-CE-WYG-01-SK30, or other alternative mitigation proposals have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.”

Sheffield City Council have been consulted on the application and after reviewing the Technical Note provided do not wish to raise any objections to the proposed revised trigger for the implementation of the highways improvement works.

Finally Condition 27 requires the implementation of a mass transit scheme to the site and the applicants are seeking to remove it from the permission as they consider this requirement will be met on the adjacent Highfield Commercial site. In this regard, the concurrent planning application for the Local Centre, RB2017/650, provides for a bus station which, if implemented, would be an acceptable alternative to the mass transit scheme (BRT south) referred to in the original condition. In this regard it is considered that a suitably worded condition requiring the provision of the bus station on the mixed use centre application would safeguard this provision. Accordingly no objections are raised to its removal in this instance.

For information highway works associated with conditions 17 (Parkway/Poplar Way), 18 (Highfield Spring/Poplar Way), 25 (Poplar Way/Highfield Spring/Parkway) and 26 (Junction 33, M1) have been completed; therefore there is no need to repeat these on this current planning application.

#### Amendments sought to the Section 106 Agreement

A Deed of Variation has been submitted by the applicant which seeks various amendments to the S106 Agreement attached to the original planning permission (Ref: RB2008/1372).

These amendments relate to the following:

#### Education

The existing wording in Schedule 8 of the S106 states that the two main education payments (the two 45% payments for each school) are due once the Council have accepted a tender for the construction of the respective primary schools (provided that the applicant has reached the occupation of the 750<sup>th</sup> and 1750<sup>th</sup> dwelling respectively). It is proposed to make a simple amendment to this wording to make it clear that the school will be tendered on an open book basis with the applicant and once the chosen tender price is received, the Council will advise them of the total figure which will then be due 30 days following the written request of the Council after the definitive end of the tender process.

The definition of 'Education Payment' within the S106 currently states that the payments due on the respective trigger dates (and in the respective % amounts) will total £11,204,052 plus any increase in accordance with the BCIS index. A further amendment is proposed within the Deed to read that the figure due will be a *maximum* of £11,204,052 plus BCIS index but will make it clear that if the tender for each school is less than this amount, then only the tender figure will be due.

These amendments have been reviewed by the Council's Education department who are generally in agreement with the wording and do not consider that it will be detrimental to the delivery or financing of the 2 schools proposed. The amendments proposed will simply negate the need for the reimbursement of funds to the applicant over and above what is needed to finance the build.

#### Community Centre

The existing S106 defines the community centre as "a building to be constructed as part of Phase 1 comprising community facilities (not to exceed 400sqm gross external area), library (approx 340 sqm) which shall be made available for letting to the Council at a market rent ..... to be located, unless otherwise agreed in writing with the Council, in Orgreave Square".

Following consultation with the Council's Cultural Services department, it is considered that the Council cannot, at this time commit to allocating resources to the provision of a new library and community centre. The Deed therefore seeks to simplify the definition for community facilities by removing any reference to letting/rent to allow greater flexibility in how the facility could be brought forward and managed in future.

The Deed also seeks to reduce the amount of floorspace to match that proposed for the Highfield Commercial Mixed Use Centre proposal (from 400sqm to 205sqm) and change reference from "Orgreave Square" to "Mixed Use Area" within the WNC to match where provision has been made for a community centre within the latest masterplan/parameters document, should it not come forward as part of the mixed use centre on the Highfield Commercial site.

Having regard to the above, it is considered that the quantum of floorspace proposed for the community facilities would be adequate to serve the needs of the WNC and the removal of any reference to letting and rent is in accordance with the Council's current position. These, in addition to the added flexibility of providing the facility either within the Mixed Use Centre or within WNC is considered to be acceptable in this instance.

#### Healthcare Centre

The Deed seeks a reduction in floorspace to match that proposed for the health centre within the Highfield Commercial Mixed Use Centre. The scale and layout of this new facility has been designed in full consultation with Rotherham CCG and is therefore considered to be appropriate and in accordance with the needs for the Waverley area.

The Deed also includes additional wording to allow the centre to come forward on the Highfield Commercial site as the existing S106 permits the provision solely on the WNC site. This additional wording provides the developer with the flexibility to provide the facility on either site and safeguards the provision on the WNC site

should the mixed use centre on the Highfield Commercial site not be constructed for any reason.

On the basis of the above, no objections are raised to the revised wording as it will ensure that the legal agreement is consistent with the built development of both the WNC and Mixed Use Centre.

#### Waverley Link Road

The provision of a road linking the B6066 at Highfield Spring with the B6200 at Woodhouse Mill (Waverley Link Road) was considered when the applications to develop the New Community were submitted in 2008. Traffic modelling revealed that the link road was a desirable but not an essential requirement of the proposal. The S106 Agreement for the New Community dated 3<sup>rd</sup> March 2011 however safeguarded land to be made available to the Council as and when required for the construction of the link road and a 10% contribution towards the build cost, not to exceed £1.3m was also safeguarded.

Since this time the DfT decided not to support funding for the Waverley Link Road, however the scheme is included in the Councils Core Strategy (adopted September 2014) and the Sheffield City Region Transport Strategy (2011-26). Part of the intended route crosses land owned by Sheffield City Council and agreement with that authority cannot be reached. Accordingly, the link road will not be constructed in the foreseeable future.

In this regard, the applicant seeks to remove the financial contribution, capped at £1.3m from the legal agreement to part finance the construction of a new road which is shown on the new mixed use centre application (RB2017/0650). This road will initially provide a dedicated bus route into the bus station and later open up adjacent parcels of land for the development of land uses including offices, a hotel and conference facilities.

The removal of this obligation has been assessed by the Council's Transportation department and as it unlikely that the Waverley Link Road will be constructed in the foreseeable future, it is considered that the removal of the obligation is acceptable in this instance and will aid in the in the delivery of a dedicated bus route and future delivery of development parcels within the Highfield Commercial area of Waverley.

#### Travel Plan Measures

Schedule 3 of the S106 Agreement obligates the landowner to deliver certain travel plan measures and pay identified commuted sums for the delivery of these measures at identified intervals. No amendments to these measures, financial payments or triggers are proposed as part of this Deed of Variation. The applicant is simply proposing to include the wording "or related infrastructure" after references to public transport improvements. The addition of this wording allows flexibility for the money to be spent on the road into the mixed use centre and / or bus station.

In this regard SYPTTE have been consulted on the proposed amendment and raise no objections to the proposed additional wording. This view is shared by the Council's Transport department who are comfortable with the amendment.

## **Conclusion**

The principle of the new community has been previously established however since the determination of the last application under Section 73 significant weight must be given to the Core Strategy. Policy CS1 identifies Waverley as a Principal Settlement and acknowledges that planning permission has been granted for the 3890 homes with supporting services and facilities. This current application does not seek to amend the fundamental outputs of the approved development and is therefore considered to be acceptable in principle.

Amendments to the S106 Agreement are relatively minor and are required to reflect current requirements of the development and assimilate with the proposed adjacent development for the new mixed use centre on the adjoining site. They do not remove any obligations that are necessary to make the development acceptable and no objections have been made from relevant departments. Accordingly the content of the Deed of Variation is considered to be acceptable.

## **Conditions**

01

Before the commencement of the development of each development plot details of the layout, scale, appearance and landscaping of the relevant development (herein referred to as the reserved matters) shall be submitted to and approved by the Local Planning Authority. The reserved matters shall include the following:

- An Affordable Housing Schedule;
- Details of the mix of dwellings in relation to the number of bedrooms and the proportion of houses and flats, broken down between social rented affordable housing units and shared ownership units;
- Measures to incorporate green roofs in the design as part of proposals for storm water retention and attenuation, energy conservation and biodiversity gain (for non-residential development only) where appropriate;
- Noise assessment to ensure the amenity of current and future residents in accordance with BS4142;
- Details of the overland flood routes and a scheme detailing how safe access and egress within and to the outside of the site during a flood event will be achieved; and
- A waste and recycling storage plan, including details of recycling facilities for those items not currently collected at source such as glass and plastic, identifying the facilities to be provided to serve that area of development.

Development shall thereafter be carried out in full accordance with the approved details.

## **Reason**

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

## **DESIGN CODE**

02

Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and illustrated in the Master Plan Development Framework and Principles Document (September 2017) listed under Condition 31.

Reason

To ensure high standards of urban design and comprehensively planned development are designed and phased to ensure maximum practical integration between different land uses to accord with Policy CS28 'Sustainable Design' of the Core Strategy.

03

No development shall take place on any Code Area as identified in Figure 37 of the Master Plan Development Framework and Principles Document (September 2017) until there has been submitted to and approved in writing by the Local Planning Authority a Design Code (including supporting plan) for the code area in question. The Design Code for the various code areas shall be in accordance with the principles and parameters described and illustrated in the Master Plan Development Framework and Principles Document (September 2017) listed under Condition 31.

Reason

To ensure high standards of urban design and comprehensively planned development are designed and phased to ensure maximum practical integration between different land uses to accord with Policy CS28 'Sustainable Design' of the Core Strategy.

04

The design code for each Code Area as identified in Figure 37 of the Master Plan Development Framework and Principles Document (September 2017) shall include codes for all matters listed below where appropriate:

- Sustainable Design and construction Principles
- Climate change mitigation and adaptation
- Character Areas
- Location of Energy Centres
- Block types and uses
- Building Heights
- Density
- Relationship between proposed Landscape and Built Form
- Means of enclosure
- Street Types and Street Materials
- Street Tree Planting
- Feature Spaces (including squares, parks and play areas)
- Hard and Soft Landscape Treatments
- Advanced Structure Planting and phasing of landscape implementation
- Planting character and established considerations
- Planting stock sizes including use of semi-mature tree planting
- Security principles
- Affordable Housing

Reason

To ensure high standards of urban design and comprehensively planned development and designed and phased to ensure maximum practical integration

between different land uses to accord with Policy CS28 'Sustainable Design' of the Core Strategy.

05

Applications for the approval of Reserved Matters shall be in accordance with the requirements of the approved Design Code for that Code Area.

Reason

To ensure high standards of urban design and comprehensively planned development are designed and phased to ensure maximum practical integration between different land uses to accord with Policy CS28 'Sustainable Design' of the Core Strategy.

06

Floorspace within Use Classes A1, A2, A3, A4 and A5 hereby approved shall not exceed 1,300 sqm. The Use Classes are those set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason

The outline planning application proposed 1,300 sqm of floorspace within use classes A1, A2, A3, A4 and A5, which the Council considers sufficient to achieve the objectives of policies CS12 'Managing Change in Rotherham's Retail and Service Centres' and RET6 'Local Shopping Provision' of the adopted Rotherham UDP (adopted June 1999).

07

No development shall take place in the lakeside local centre as identified in the Master Plan Development Framework and Principles Document (September 2017) until there has been submitted to and approved in writing by the Local Planning Authority a plan detailing the quantum of floorspace and timescales for delivery of the A1, A2, A3, A4 and A5 use classes for the character area in question. The development shall thereafter be carried out in accordance with the approved phasing plan.

Reason

In order to ensure that sufficient floorspace is provided to accommodate a range of retail, and leisure uses needed to serve a sustainable community in accordance with Paragraph 70 of the NPPF.

08

A maximum of 1,300 sqm of gross retail floorspace (Class A1) shall be provided within the development.

Reason

In order to ensure the retail floorspace is of the type and scale for which a need has been identified and which is appropriate to the scale of the neighbourhood centre, in accordance with Policies CS12 'Managing Change in Rotherham's Retail and Service Centres' and RET6 'Local Planning Provision' of the Adopted Rotherham UDP and with Paragraph 26 of the NPPF.

09

No more than 1,300 sqm of gross A1 floorspace shall be provided in any one unit.

Reason

In order to ensure the retail floorspace is of the type and scale for which a need has been identified and which is appropriate to the scale of the neighbourhood centre, in accordance with Policies CS12 'Managing Change in Rotherham's Retail and Service Centres' and RET6 'Local Planning Provision' of the Adopted Rotherham UDP and with Paragraph 26 of the NPPF.

10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, there shall be no change of use between Use Classes A2, A3, A4, A5 to a use within Class A1 without prior planning permission.

Reason

In order to ensure the retail floorspace is of the type and scale for which a need has been identified and which is appropriate to the scale of the neighbourhood centre, in accordance with Policies CS12 'Managing Change in Rotherham's Retail and Service Centres' and RET6 'Local Planning Provision' of the Adopted Rotherham UDP and with Paragraph 26 of the NPPF.

## SUSTAINABILITY AND ENERGY

11

The A1, A2, A3, A4, A5, B1(a), C1, D1 and D2 floorspace hereby approved shall be designed to achieve a BREEAM Very Good rating as a minimum. Relevant applications for approval of Reserved Matters shall be accompanied by a BREEAM Report which shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall subsequently be developed in accordance with the approved details.

Reason

In order to secure a sustainable development in accordance with Paragraph 97 of the NPPF.

## MANAGEMENT PLAN

12

The development shall be carried out in accordance with the previously approved Green Infrastructure Delivery Plan and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason

To ensure that the future management maintenance repair and upkeep of the development is delivered to an appropriately high standard of safety and quality across the whole development.

## LANDSCAPE

13

Prior to the commencement of any development within each character area as identified in the Master Plan Development Framework and Principles Document (September 2017), details of a phased scheme of advance planting to provide screen planting to site boundaries (wherever relevant) and structure planting along access roads and associated with key entrances and junctions shall be submitted to and approved in writing by the Local Planning Authority. The said planting shall thereafter be implemented in accordance with the approved details.

Reason

To ensure an appropriate standard of visual amenity in the local area.

## HIGHWAYS

14

No more than 1200 No. dwellings shall be occupied on site until the proposed improvement to B6066 Highfield Spring/Brunel Way (AMP North) as indicated on plan No. PO-CE-WYG- PL100 Rev C have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning authority'

Reason:

In the interests of highway safety.

15

Details of the proposed improvements to the B6533 Poplar Way/B6066 Orgreave Road, as indicated in draft form on plans Nos. H-PL-09 and PO-CE-WYG-PL-09 shall have been submitted to and approved by the Local Planning Authority and shall be implemented prior to any vehicular use of the southern arm of the junction, other than for construction purposes.

Reason

In the interests of highway safety.

16

No more than 1880 No. dwellings shall be occupied on site until the proposed improvements to B6066 Highfield Spring/B6066 Highfield Lane, as indicated on plan No. PO-CE-WYG-01-SK17 have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

17

No more than 805 No. dwellings shall be occupied on site until the proposed improvements to B6066 Main Street/B6067 Treeton Lane, Catcliffe, as indicated on plan No. PO-CE-WYG-01-SK28, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

18

No more than 1700 No. dwellings shall be occupied on site until the proposed improvements to B6066 Highfield Lane/Orgreave Lane/Rotherham Road junction, as indicated on plan No. PO-CE-WYG-01-SK29, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

19

No more than 1,000 No. dwellings shall be occupied on site until the proposed improvements to B6200 Retford Road/Rotherham Road junction as indicated on plan No. PO-CE-WYG-01-SK30, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

20

A detailed assessment shall be submitted to and approved by the Local Planning Authority on the Orgreave Lane / Retford Road junction to determine if mitigation of traffic signal operation is required. Any mitigation identified shall thereafter be carried out within a timescale to be agreed with the Local Planning Authority.

Reason

In the interests of highway safety.

NOISE

21

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays. Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

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

22

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to

their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.

Reason

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

23

Throughout the construction phases of development all vehicles reversing warning alarm systems shall be operated in accordance with a specification submitted to and agreed in writing by the Local Planning Authority prior to commencement of development. At all times, effective means shall be employed to prevent and counteract the effects of audible warning alarms to nearby noise sensitive receptors. No audible warning alarm shall exceed the ambient noise level in the working location by more than 5dBA.

Reason

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

DUST

24

At all times during the carrying out of development authorised or required under this permission, effective means shall be employed to minimise dust. Such measures shall include water bowsers, sprayers whether mobile or fixed, or similar equipment, upward pointing exhausts, wind fences, landscaping bunds, stockpile dampening, aerodynamic shaping of stockpiles to prevent dust lift off, regulating the speed of vehicles, hard covering of roadways and other steps as are appropriate.

Reason

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

25

At such times during construction of development when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils, overburden and other dust raising materials shall be temporarily curtailed until such time as the site/weather conditions improve such as to permit a resumption of the operations.

Reason

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

## WHEEL WASHING

26

Throughout the construction phases of development the operator shall install and thereafter utilise as appropriate, wheel washing facilities on the site for the duration of the construction. Prior to its installation on site, full details of its specification and siting shall be submitted to and agreed in writing with the Local Planning Authority.

### Reason

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

## DRAINAGE AND FLOOD RISK

27

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by White Young Green dated 06/10/09 including the following specific measures detailed within the Flood Risk Assessment:

1. Areas of the site covered by Flood Zones 2 and 3 are developed with acceptable water compatible development only/
2. Finished floor levels are set at a minimum of 150mm above adjacent finished ground levels (as stated on p.18 of the FRA)

### Reason

To reduce the impact and risk of flooding on the proposed development and future occupants.

28

No development except that associated with site preparation works shall take place or discharge to a drainage system, until the detailed design of the Surface Water Drainage scheme relevant to that development (including appropriate SUDS), including all relevant flood risk assessments within the Waverley development, have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved for each geographical phase of development shall be in accordance with the Outline Surface Water Strategy (October 2009), Its update (May 2014) and the Flood Risk Assessment shall be implemented in accordance with the approved details prior to the construction of 80% of dwellings within that development phase. The scheme shall also include the following:

1. Details of the development surface water drainage network, which shall include:
  - The piped drainage network and open watercourse will drain to the attenuation reservoirs.
  - The reservoirs will limit discharge to the River Rother at the maximum rate of 5 litres per second per hectare.
  - The open watercourse shall be designed for the 1 in 100 year return period over the critical storm duration (plus allowance of 30% for climate change) and 600mm freeboard for each watercourse.
  - The piped drainage network will be designed so that there is no flooding during a 1 in 30 year storm over the critical storm duration.

- The water velocity within the open watercourse shall be a maximum of 3 metres per second, unless otherwise agreed by the Environment Agency
  - Appropriate SUDS will be incorporated into the surface water drainage scheme within the site.
2. Plans to show the catchment areas for surface water runoff within the site and surrounding areas, for each phase of the development (to ensure that there is adequate capacity for discharge of surface water runoff within each section of the drainage system, during and after completion of the development).
  3. Details of how the current restoration drainage will fit within the proposed development drainage plans and the Masterplan, in particular Handsworth Beck and drainage channels C and C2.
  4. Details of how the scheme shall be maintained and managed during and after the completion of the development. This should also include details of satisfactory easement strips along the piped network and open watercourse, to allow access for maintenance.

Reason

To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system both within each phase of development and within the Waverley development.

29

No development within each geographical Phase, as identified in the Master Plan Development Framework and Principles Document (September 2017) except that associated with site preparation works shall take place or discharge to a drainage system until a scheme for foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The foul water drainage shall be implemented in accordance with the approved scheme.

Reason

To ensure that the development can be properly drained in accordance with UDP policy ENV3.7 'Control of Pollution'.

PUBLIC RIGHTS OF WAY

30

All public rights of way proposed throughout the site shall be implemented in accordance with the Public Rights of Way Action Plan and suitable access barriers and fencing shall be agreed in writing to Local Planning Authority and be installed on the end of all path links.

Reason

To ensure adequate pedestrian and cycle links and recreational use throughout the site.

REGULATORY

31

The development hereby permitted shall be carried out in accordance with the following approved documents and plans:

- Masterplan Development Framework and Principles Document (September 2017).

- Parameter Plans: Land Use, Green Infrastructure, Urban Design Principles and Movement and Access.

Reason

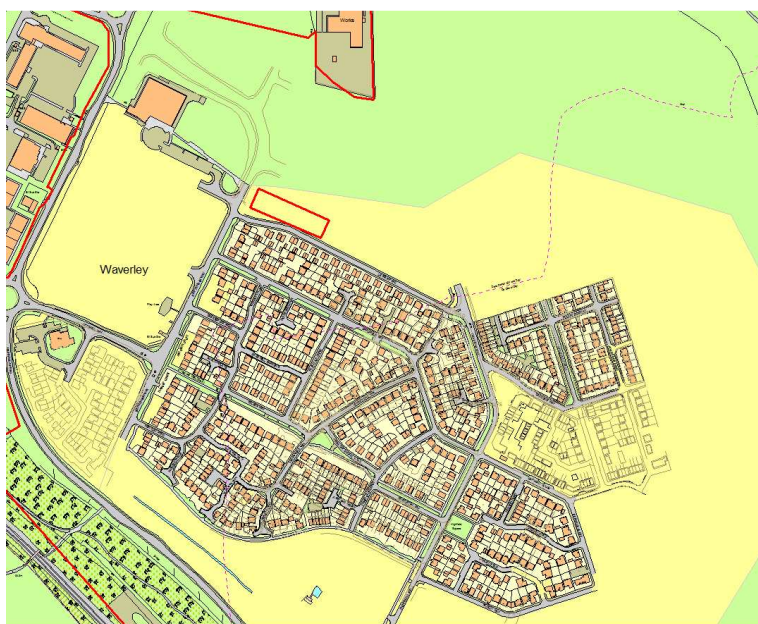
To ensure high standards of urban design and comprehensively planned development are designed and phased to ensure maximum practical integration between different land uses to accord with Policy CS28 'Sustainable Design' of the Core Strategy.

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

<b>Application Number</b>	RB2017/0933
<b>Proposal and Location</b>	Reserved matters application (details of appearance, landscaping and layout) for the erection of 44 dwellinghouses reserved by outline RB2015/1460 at Waverley New Community, Phase 1J, Highfield Spring, Waverley for Sky House Company Ltd
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



### Site Description & Location

The site forms part of the wider Waverley New Community and comprises of a parcel of land known as Phase 1J. It is located on the junction of Stephenson Way and Lescar Road. The site has a rectangular shape and extends to approximately 0.46ha in size. Existing road infrastructure exists to the south and west in the form of Lescar Road and Stephenson Way.

Development immediately to the south comprises of two and three storey dwellings, all of which are now occupied. Land to the north remains undeveloped.

A number of residential estates surround the wider site including Orgreave, Catcliffe, Treeton and Handsworth and the Advanced Manufacturing Park (AMP) lies to the north-west of the site, beyond Highfield Spring. Other nearby development along Highfield Spring includes a public house and Sheffield University's training centre.

### Background

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990.

Since then a number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, a number of applications were submitted relating to a new community, the relevant ones are listed below:

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011
- RB2011/1296: Application under S73 with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011
- RB2012/1428: Application under S73 with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of the works to be undertaken. - GRANTED CONDITIONALLY ON 26/04/2013
- RB2013/0584: Non-material amendment to application RB2012/1428 to include amendments to Conditions 03, 04, 26 and 48 - GRANTED CONDITIONALLY on 26/09/2013
- RB2013/1496: Non-material amendment to RB2012/1428 to change wording of Condition 48 to allow Masterplan Parameters to be updated – GRANTED CONDITIONALLY on 27/11/20139
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way – GRANTED CONDITIONALLY on 29/09/2014
- RB2015/1460 - Application to vary Condition 19 (details of improvement to B6066 Highfield Spring/Brunel Way (AMP North) imposed by RB2014/0775 – GRANTED CONDITIONALLY ON 17/12/2015

- RB2017/0743 - Application under Section 73 for a minor material amendment to vary and remove conditions 2 - 4, 6 - 8, 11 - 14, 16 - 18, 22 & 24, 25 - 27 and 39 imposed by RB2015/1460 (Outline application for Waverley New Community) which relate to the Masterplan Development Framework and Principles Document, floorspace limits of non residential use classes and highway improvement works – Currently Undetermined.

In addition to the above, a number of Reserved Matters applications have been submitted and subsequently approved amounting to 893 dwellings.

## **Proposal**

The application is for the approval of reserved matters for part of the scheme approved under outline permission RB2015/1460, for Phase 1J of the wider Waverley development. The design of this phase of development is subject to the design code approved for the Waverley Central Character Area which includes the Waverley Central Design Brief. All matters were reserved at the outline stage and this application seeks approval for details relating to access, appearance, landscaping, layout and scale.

The application seeks permission for 44 residential units consisting of a mixture of 2 and 4 bedroom dwellings which are designed in a back to back arrangement being 3 storeys in height with roof gardens. In accordance with the outline permission, a commuted sum for affordable housing has been agreed in lieu of off site provision at 40% of the open market value based on the required 10% for this phase of development.

Vehicular access will be provided off Lescar Road into private parking courts.

The layout can be summarised as follows:

- 40no. 2 bedroom homes and 4no. 4 bedroom homes;
- 40 Two bedroom houses with private roof gardens
- 4 Four bedroom houses with private gardens at ground floor level
- 48no. parking spaces
- Secure cycle stores in front of each house
- Community pocket garden amenity area
- The building line of the development fronting Lescar Road is linear and consistent. House type 2 is three storeys in height to reflect the existing town houses opposite, a flat roof construction provides a strong roof alignment
- Materials include Buff brickwork, white render and oak treated vertical timber panels.

In support of the application, the following documents have been submitted:

Design and Access Statement provides information relating to the design evolution and rationale behind the development and how it complies with the Waverley Central Design Code taking account of the relevant national and local planning guidance and policy.

Transport Assessment confirms that proposals will deliver 44 new homes and access to the site will either be via the Highfield Spring/Mitchell Way roundabout or the Highfield Spring/Highfield Lane roundabout. It is demonstrated that no mitigation will be required to deliver the proposals and that there are no traffic grounds to withhold consent for the proposed development.

Ecological Appraisal confirms that during the survey 4no. skylarks were observed on and around the Site and it was considered likely that the birds comprised two pairs which were either nesting at the time of survey, or which would go on to nest in the following weeks. Skylark is a UK Priority species and is also included on the Birds of Conservation Concern Red List as a result of the recent and dramatic decline in numbers. It is therefore recommended that all clearance works should be timed to avoid the nesting season for skylark (April to August inclusive). If this could not be avoided, the Site should be checked by a suitably qualified ecologist immediately prior to commencement of these works. No other evidence of any other protected or notable species was identified during the survey and it was considered that no further survey was necessary provided that sensitive working practices included within the recommendations section are adhered to.

Surface Water Drainage Assessment confirms that the site is located in Flood Zone 1, (i.e. land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding). The site is therefore not at risk of flooding and subject to the implementation of the approved drainage strategy, it can be drained in accordance with the adopted site wide drainage strategy for Waverley as a whole.

Noise Assessment concludes by stating “The findings of the assessment identified that no noise control measures, such as enhanced glazing or alternative ventilation, were required throughout the Phase 1a site. This was also concluded for Phases 1b – 1h. Phase 1j is located adjacent to Phase 1a area which has been constructed and, therefore, it is also considered reasonable to conclude that no noise control measures will be required. In terms of the wider WNC development, specific details relating to the proposed uses in these areas may change in the future. Currently, the wider masterplan denotes that Local Centres are proposed to the west and north. However, given the proximity of the site to Phase 1a and that noise associated with these areas will be assessed during the reserved matters application for the relevant Local Centre phases or individual planning applications for sites outside of the WNC, no further consideration is required. Therefore, no specific regard to the detailed scheme masterplan for the Phase 1j site is required.”

Assessment of Ground Conditions and Development Considerations confirms that review of available information and the outline conceptual model has highlighted potential pollutant linkages associated with the site. However ground investigation works undertaken as part of the survey have identified that the only existing pollutant linkage relates to ground gas. Gas monitoring has identified some hazardous gas across the wider Waverley site and therefore the site is classed as NHBC Amber 2. No significant soil or groundwater contamination has been previously encountered across the larger Waverley Development area and although there is no reason to assume conditions beneath the site are any different. Based on ground conditions 300mm soil cover is recommended in garden and landscaped areas.

## **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 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is unallocated in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Residential' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS21 'Landscape'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'  
T8 'Access'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015':

SP1 'Sites Allocated for Development'  
Reference H54 Waverley New Community

## **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 NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy but

await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

The application has also been assessed against the requirements of the:

South Yorkshire Residential Design Guide.

Rotherham's Interim Planning Statement on Affordable Housing.

Transport Assessments, Travel Plans and Parking Standards Good Practice Guide – October 2014

### **Publicity**

The application was advertised in the press and by individual letters to neighbours. Site notices were also erected on site. A total of 7 representations have been received. Concerns are summarised as follows:

- This proposal is going to aggravate the risk to pedestrians, car drivers and children. There is already a notable issue with parking spilling over in that area from the AMRC.
- There is insufficient parking in this proposal means cars will park along Lescar Road making it a high risk for an accident and interfere with the existing public transport provision.
- The design shows access via Lescar Road meaning cars will constantly emerge into a road that is already too narrow
- Buses and fast drivers are already making navigation for pedestrians and cyclists increasing more dangerous.
- Transport links are poor;
- At the moment, there is a gravel path from Lescar Road/Highfield Lane that leads to the lake and people frequently use and enjoy. Will this path be removed?
- There have been provisional parking spaces made for a single car per household with an extra 5 spaces being made available in the form of lay-bys. In my view this is too few unless there is a condition placed on residents that they can only have a single car per household. If not a possibility then the likelihood of 2-4 bed households only owning a single car is slim, even with an emphasis on public transport for the area.
- It is not clear who the expected purchasers are likely to be couples or young professionals will require more car parking and entertainment space, whilst families would benefit from gardens and increased shared living space. Without a clear demographic, the concern is that these properties will become majority buy-to-let and so lead to a more transient and less stable community.
- We are concerned that the erection of these four storey properties with their main outside space located on roof terraces is inappropriate for the current location. The high-rise nature does not fit well with the current street theme and will likely lead to noise complaints from use of this roof-top entertainment space, and loss of privacy through the overlooking of bedrooms of existing properties on the street.

- The plans represent a significant increase in dwelling density compared to the existing development on the street – rows of high-rise terraces compared to semi-detached properties already present. The applicant has maximised the density of housing by sacrificing virtually all garden spaces; we believe that this amounts to over- development of the site and is contrary to national planning policy.
- Erection of four storey buildings in such close proximity to our house will significantly reduce the light levels in our property and will be a marked reduction in the open aspect of the neighbourhood, by comparison to the street scene on adjacent roads.
- We object to the proposed style of the exterior of the properties. The materials and design would be a significant departure from the vernacular of the street, which although contemporary is softened with alternating\complementary rendering patterns, porches, bay windows and varying rooflines/apex windows.
- The existing road is far too narrow to facilitate access to this increased number of properties. The road is already busy, having recently become the main route through the estate for 4 different bus services – with cars parked on the side of the road there is only enough room for one vehicle to pass safely and if cars were to start parking on the other side as well then access would be further impacted (probably at times impossible for busses to traverse).
- The master plans indicate that the opposite side of our road is intended to become the preferred pedestrian route (Waverley Walk) linking the local centre to the lakes via key spaces throughout the burgeoning development. However, without wider carriageways to facilitate the amount of traffic using the road and the provision of sufficient parking spaces (at least two allocated per property), any benefit of wider pedestrian/cyclist pavement spaces will be lost to residents parking across them (this already happens) and any landscaped verges will become damaged and degraded.
- Trying to revive the building of what is in effect low quality back to back housing without adequate gardens is wrong.
- Rotherham council have already failed to follow up parking restrictions that were included in previously approved applications due to not being able to enforce them because the roads have still not been adopted.
- Does this proposed development put us any closer to getting the proposed car club that was in the original Waverley planning consent? Or the full time travel co-ordinator? Or the bike club? Or is it just more houses with no amenities or infrastructure yet again?

## **Consultations**

Streetpride (Transportation and Highways) have liaised closely with the applicant during the application process and following the submission of amended plans consider the development to be acceptable from a transportation perspective.

Streetpride (Landscape) have liaised closely with the applicant during the application process and following the submission of amended plans consider the development to be appropriate for this phase of the wider development and in line with the approved Design Code for Waverley Walk.

Streetpride (Ecology) has assessed the content of the Ecological Appraisal and on the basis that suggested mitigation measures are embedded into an appropriately worded condition raise no objections to the proposed development.

Streetpride (Drainage) raise no objections to the proposed development subject to the development being carried out in accordance with the drainage plans submitted in support of the application.

Neighbourhoods (Affordable Housing Officer) has assessed the type of housing proposed as part of this application and has agreed with the applicant that a commuted sum for off site provision is provided in lieu of provision on site. This is due to the unique style of housing which are not a standard type for ease of maintenance and management. Furthermore, it is unlikely that four storey homes will be a popular choice for families or slightly older people with the number of stairs. The inclusion of a roof terrace, rather than a traditional garden may also present problems for social housing providers with regard to insurance and landlord liabilities.

Neighbourhoods (Urban Design) are happy that the comments raised in the pre-application meeting have been incorporated into the design and layout of the scheme proposed and on that basis raise no objections to the development.

Environmental Health (Land Contamination) agrees with the conclusions of the submitted Assessment of Ground Conditions & Development Considerations and on that basis raises no objections subject to conditions.

Environment Agency do not wish to comment on the application.

Yorkshire Water No Comments received.

Highways England No comments received.

SYPTE No comments received

The Coal Authority have reviewed the proposals and raise no comments.

## **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 site has planning permission for residential development as part of a wider mixed use outline planning permission that was originally approved in March 2011 under outline application RB2008/1372 and has been renewed in April 2013 under

application RB2012/1428, again in September 2014 under RB2014/0775 and again in December 2015 under RB2015/1460. The principle of residential development has therefore been established and is considered to be acceptable.

The main issues in the determination of the current application therefore are the following –

- Design and layout
- Impact on neighbouring amenity
- Compliance with the Design Code
- Highway Safety and Transportation Issues
- Flood Risk and drainage
- Landscaping, Green Infrastructure Provision and Ecology
- Geotechnical & land Contamination Issues
- Affordable Housing
- Planning Obligations

### Design and Layout

Policy HG5 of the adopted UDP encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in National Planning Policy in the NPPF.

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

In addition, CS policy 21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS policy 28 ‘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 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. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The application site forms Phase 1J of the wider Waverley development and is located immediately to the north of previously consented sites which are now complete. Furthermore it is located on Waverley Walk which is the strategic route forming the main east to west connection between the mixed use centre and the Lakeside.

Having regard to the site layout, the proposals are made up of four linear blocks that align symmetrically along Lescar Road, which forms part of the Waverley Walk route. Three parking courts are located between the blocks and a pocket park has been incorporated in a central location within the site. The blocks have been orientated to provide principal elevations to the east and west elevations, with the exception of house type T2 which has its principal elevation on the southern elevation facing Lescar Road.

The blocks incorporate 2 different house types in a back to back formation. House type T2 is a 4 bedroom property offering accommodation over three floors and sited immediately adjacent to Lescar Road. The remaining house type (T1) provides accommodation over 3 floors with a south facing roof terrace and study within the roof space and a first floor balcony. In addition to the private roof terraces, house types T1 fronting Stephenson Way and the properties along the eastern most elevation benefit from small front garden areas whilst all of house types T2 have private garden areas to both side elevations.

Turning to the design and external appearance of the proposed dwellings, there is no doubt that the proposal offers a much more contemporary offer than has previously been provided on Waverley. The back to back design ensures that the density of the development is also much higher than that previously built elsewhere on the site. Nevertheless it is considered that in order to build a strong sustainable community, a range of house types are required to cater for the needs of different individuals. Furthermore, the site lends itself to the provision of a different offer, being in close proximity to the proposed Mixed Use Centre and associated transport links.

Notwithstanding the above, the proposals incorporate similar materials that predominate in the existing dwellings along Lescar Road, putting these into a contemporary style that respects this setting and also helps to further establish the scale and external appearance along this important frontage.

The scheme has also been designed to incorporate various outdoor spaces, providing residents with shared amenity space with a focus on community integration. The central pocket park features the largest amenity space. This south facing park will receive the sun throughout the day and includes seating areas, landscaping and a central grassed area. Planting along Lescar Road, will be delivered by Harworth as part of their infrastructure works and will provide a degree of privacy to the resident's area while complementing the landscaping scheme required as part of the Waverley Walk proposals.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form.

### Impact on neighbouring amenity

The NPPF notes at paragraph 17 that: "Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both

plan-making and decision-taking. These 12 principles are that planning (amongst others) should:

- always seek... a good standard of amenity.”

The South Yorkshire Residential Design Guide (SYRDG) further advocates that a common minimum rear garden or amenity space distance of 10 metres in depth.

The proposed residential units on this phase of development comprise a mixture of 2 and 4 bedroom dwellings which are 3 storeys in height with a roof terrace. The site is located immediately to the north of properties along Lescar Road, which consist primarily of 3 storey dwellings. Separation distances between the existing and proposed built form vary along the length of this road, however maintain the minimum separation distances of 21m between habitable room windows.

Concerns have been raised from residents along Lescar Road that the scale of the proposed blocks will reduce the levels of natural sunlight currently being enjoyed. These concerns are noted, however if the 25 degree rule is applied, as recommended in the SYRDG, the blocks do not fall within the line when taken from the centre point of the lowest window. The distances between the existing and proposed development, together with the comparable scale of the proposed units are therefore considered to be acceptable and will not have an unacceptable impact on the living conditions of existing residents.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the SYRDG provides minimum standards for internal spaces which includes 62sqm for 2 bed properties and 93sqm for 4 bed properties. Both of the house types proposed have been designed to adhere to these space standards and each dwelling will have either private garden areas or roof terraces, however it is acknowledged that these will be deficient in floor area when assessed against standards outlined in the SYRDG. Nevertheless it is considered that the site is within easy reach of the wider open space adjacent the lakes and the communal pocket park located within the site itself. Accordingly it is considered that adequate private and communal open space is provided within the site and the wider Waverley new community. Furthermore, acceptable space about dwelling distances have also been achieved in line with the guidance in order to ensure that amenity value is high for residents with no potential for overshadowing or loss of privacy.

Having regard to all of the above and on balance, it is considered that the amended layout and proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

#### Compliance with the Master Plan Development Framework and Principles Document and Design Code

The Master Plan Development Framework and Principles Document was submitted and subsequently approved to replace the previously approved Design and Access Statement under ref: RB2014/0775. This document clarifies the changes proposed for the next phase of development and explains how it ties in with the wider new community scheme. Included within this document is a chapter providing details of land use, which states that *'the development will provide a mix of dwellings in terms of size and tenure to meet local needs. The overall indicative mix for private market*

*dwellings will include 1 and 2 bed apartments through to 4 and 5 bed family houses. The mix responds to local market conditions as well as achieving a development appropriate and responsive to the immediate context'. The proposed development at Phase 1J includes a mix of house types in accordance with this requirement, including 2 and 4 bed dwellings.*

The heights of the proposed units are generally 3 storeys, located in 4 linear blocks adjacent to Stephenson Way / Lescar Road. The orientation of these units assist in the provision of a primary frontage along this important intersection as required by the Masterplan Framework document and as such creates a strong perimeter structure.

The design code for this phase of development was submitted in response to the requirement of Condition 3 of the outline approval (RB2015/1460). This document provides a set of parameters which any detailed design proposal within these phases must adhere to. It sets out essential elements that must be delivered to implement the masterplan and are intended to be a mechanism to coordinate the implementation of different elements within the development and provide a framework for the entire site.

The applicants have prepared a design and access statement which amongst other things sets out how the development accords with the rules and parameters set out in the Design Code and Brief. As previously stated the proposed layout incorporates a primary frontage and respects the character of Lescar Road and Stephenson Way. The layout also responds to the requirements in the code with respect to building lines, scale, architectural style, materials, boundary treatment and street widths.

The street scenes and separation distances between residential dwellings accord with the parameters of the approved Waverley Central Square Design Brief and the use of strong frontages along the Lescar Road and Stephenson Way ensure that the proposed development is in full compliance with the rules and parameters of the approved Design Brief for this Phase of development and the overriding Master Plan Development Framework and Principles Document.

### Highway Safety and Transportation Issues

A Transport Assessment (TA) was submitted in support of the original outline application which analysed traffic movements associated with the proposed new community on the local and strategic network and set out trigger points for improvements to various junctions around the site. The TA demonstrated that all existing and proposed junctions will operate safely whilst there is sufficient capacity within the network to accommodate any traffic generated by the proposals and these findings are accepted. It is therefore considered that the proposals would not result in harm to highway safety, subject to conditions.

A Travel Plan was submitted and subsequently approved as part of the outline planning application. This includes a range of measures to be incorporated into the overall design to encourage the use of sustainable modes of transport. It seeks to:

- Employment of a Travel Plan Coordinator
- Provision of Real Time Information Systems in apartment blocks and strategic locations across the site.

- Provision of Car Club facilities (min 2 cars) within the site and free membership for all occupants for the first year of their occupation.
- Prior to the completion of 600 dwellings provision of a scheme enabling residents to book use of free bicycles. A minimum of 20 bicycles will be provided in the first instance.
- Travel Packs shall be issued to residents on the purchase of homes at the site.
- Subsidised Bus Fares - On first occupation each household to receive free an annual SYPTTE Developers Travel Mastercard

It is considered that these proposals are acceptable, and should be subject to monitoring and review, in order to ensure their effectiveness and identify any further action/measures.

Turning to the issue of car parking, all provision is proposed within centrally located parking courts where a total of 48 spaces are provided. The Council's car parking standards for a development of this size would require a minimum of 48 spaces (1 space per 2 bed dwelling and 2 spaces per 4 bed dwelling) and whilst it is acknowledged that concerns have been raised by local residents that this is insufficient, the level of parking provision is in accordance with the Council's standards for a development of this nature and is therefore considered to be acceptable in principle.

Notwithstanding the above, 2 laybys that will have the capacity to accommodate 6 vehicles are proposed on Lescar Road. These will be delivered by Harworth as part of their infrastructure works and will provide additional parking provision should this be required on an informal basis following construction of the development.

In general, the site has good access to public transport and local facilities, having bus stops located along Stephenson Way and Lescar Road. Additionally, residents have the benefit of taking advantage from measures within the Waverley Travel Plan which seeks to promote more sustainable travel.

Taking all of the above into consideration, it is considered that this proposed reserved matters application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with UDP Policy T6 and policies with the NPPF.

### Flood Risk and Drainage

An Outline Surface Water Strategy Report was submitted as part of the outline application for the entire Waverley site and a Flood Risk Assessment Report has been submitted in support of this Reserved Matters application.

This Report has been prepared to address a condition of the outline permission which requires the development to be carried out in accordance with the approved Outline Surface Water Strategy. The report confirms that the site falls within land assessed as having less than a 1 in 1000 annual probability of river or sea flooding in

any year (less than 0.1%), therefore all uses of the land are appropriate within this zone but an assessment of the effect of surface water run-off will need to be incorporated in any Flood Risk Assessment.

Further information has been submitted in the form of drainage calculations and a proposed surface water drainage strategy plan. This information, together with the content of the Flood Risk Assessment ensures that adequate safeguards can be put in place to provide adequate surface water and foul drainage of the site.

Taking the above into account, it is considered that the risks of flooding to the site have not changed from those identified within the original FRA and it is therefore considered that the reserved matters proposal satisfactorily conforms with the detail set out in the original Outline Surface Water Strategy and its later addendums as well as advice contained within the NPPF.

### Landscaping, Green Infrastructure Provision and Ecology

The NPPF advises at paragraph 117 that: *“To minimise impacts on biodiversity and geodiversity, planning policies (amongst others) should:*

- *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”*

Core Strategy Policy CS20 ‘Biodiversity and Geodiversity’ states: *“The Council will conserve and enhance Rotherham’s natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species. Priority will be given to: (amongst other things)*

*c. Conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets;*

*l. Ensuring that development decisions will safeguard the natural environment and will incorporate best practice including biodiversity gain, green construction, sustainable drainage and contribution to green infrastructure.”*

The landscape proposal for the development has been designed in accordance with the content of the Design Code which states

For the Waverley Central Square section of the Walk, the following principles are envisaged for the open space treatment:

- A generous green buffer within the carriageway and the pedestrian path - avenue tree planting;
- A wide and overlooked pedestrian path, to be designed accordingly to the principles set in the previously mentioned design codes;
- Parking predominantly off street, i.e. on plot or parking court;
- Planting to break up the view of parking from the street;

- Open green space setting a visual back to the parking area, with potential to provide incidental playing area;

In this regard the proposals show an interesting arrangement of compact high density units. The indicative landscaping shown to the car parking court areas makes provision for a good amount of tree and hedgerow planting. The boundary treatments proposed are high quality and tie in with the architecture proposed which is contemporary in style yet uses the same materials palette as previous development phases along Waverley Walk.

The Council's landscape architect has assessed the proposals in line with the requirements of the Design Code and is happy that the proposal is in accordance with the document. It is therefore considered that the proposal is acceptable in terms of landscaping and in accordance with the provisions of Policy CS20 'Landscapes'.

Turning to the issue of management and maintenance, there is a requirement under the original S106 agreement to establish a management company to maintain all areas of open space within Waverley New Community. This has been established by Harworth Estates as the main landowner and will fund a maintenance regime for the landscaping features spaces within Phase 1J.

Having regard to the above, it is considered that sufficient landscaping and green infrastructure has been proposed within this phase of the development to contribute to the appearance of the proposed development and its appearance within the Waverley development as a whole.

Turning now to the ecological impact of the proposed development, the original outline application was accompanied by an Environmental Statement and a full Environmental Impact Assessment was carried out. The report considered the key environmental impacts including the impact of development on ecology and biodiversity. In addition to the Ecology Assessment, the applicant also submitted a Biodiversity Action Plan and an Ecological Management Strategy. The Ecological Assessment described those habitats and species present on and adjacent to site and assessed the impacts on those habitats to be created through the restoration proposals. The baseline conditions relating to habitats and species were identified through desktop surveys of national and local databases and from field surveys.

The Ecological Appraisal accompanying the reserved matters application is a validation requirement. This appraisal confirms that during the survey 4no. skylarks were observed on and around the site and it was considered likely that the birds comprised two pairs which were either nesting at the time of survey, or which would go on to nest in the following weeks. Skylark is a UK Priority species and is also included on the Birds of Conservation Concern Red List as a result of the recent and dramatic decline in numbers. It is therefore recommended that all clearance works should be timed to avoid the nesting season for skylark (April to August inclusive). If this could not be avoided, the Site should be checked by a suitably qualified ecologist immediately prior to commencement of these works. No other evidence of any other protected or notable species was identified during the survey and it was considered that no further survey was necessary provided that sensitive working practices included within the recommendations section are adhered to.

Having regard to the above, it is considered that subject to adequate safeguards being put in place by reason of a condition, sufficient information is available in the form of annual surveys which review species and habitat. Accordingly, the development is not considered to have an unacceptable impact on ecology in accordance with guidance contained within the NPPF.

#### Geotechnical & land Contamination Issues

The NPPF notes at paragraph 120 that: *“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*

The NPPF further advises at paragraph 121 that; *“Planning policies and decisions should also ensure that:*

- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
- *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- *adequate site investigation information, prepared by a competent person, is presented.”*

The application is accompanied by an Assessment of Ground Conditions which confirms that a review of available information and the outline conceptual model has highlighted potential pollutant linkages associated with the site. However ground investigation works undertaken as part of the survey have identified that the only existing pollutant linkage relates to ground gas. Gas monitoring has identified some hazardous gas across the wider Waverley site and therefore the site is classed as NHBC Amber 2. No significant soil or groundwater contamination has been previously encountered across the larger Waverley Development area and although there is no reason to assume conditions beneath the site are any different. Based on ground conditions 300mm soil cover is recommended in garden and landscaped areas. Water supply pipes will pass through colliery spoil, this has been assessed on other parts of the site, with the requirement of providing protecta line for water supply pipes.

The Council’s Land Contamination Officer has been consulted on the application and raises no objections to the proposed development subject to the imposition of conditions.

#### Affordable Housing

The outline consent for this phase of development requires the provision of 10% affordable housing or the equivalent commuted sum towards the provision of affordable housing off site.

In this instance, due to the unique design of the units it is considered that that three storey homes with a room in the roof space will be an unlikely choice for families or slightly older people due to the number of stairs. Furthermore, the inclusion of a roof terrace, rather than a traditional garden may also present problems for social housing providers with regard to insurance and landlord liabilities. On that basis it is considered that the payment of a commuted sum in lieu of off-site delivery of affordable housing is an acceptable option. The commuted sum has been agreed at 40% of the open market value. Whilst it is envisaged that this will be around £150,000 per unit, based on estimated values, it will be based on the price of the first phase of the units for sale, which may be higher or lower than £150,000 estimated purchase price. The S106 agreement will be written to reflect this.

### Planning Obligations

Paragraph 204 of the NPPF notes that: "Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.

In this instance the planning obligations and their associated trigger points for their delivery were set as part of the approved outline permission (ref: RB2008/1372). These included the affordable housing provision, financial contributions towards education provision, delivery of green infrastructure and play areas, public transport and sustainable methods of travel.

The trigger points for many of the obligations are not met by the delivery of Phase 1J of this development (bringing the total number of dwellings with detailed planning consent to 937) and in accordance with clause 7.11 of the original agreement, the legal agreement attached is to proportion as appropriate the obligations, covenants and rights equitably between the Land and the area disposed of and requires the provision of the following:

- A commuted sum towards the provision of affordable housing off site based on 40% of the open market value of 4 units (10%)
- provision of a Travel Card for each household should the amount previously assigned to Travel Card provision not exceed £200,000

These obligations are in full compliance with the original S106 which were considered acceptable when the application was presented to Members of the Planning Board in January 2011.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and are therefore considered to be acceptable and in full compliance with the requirements of the original S106 Agreement.

### **Conclusion**

The principle of residential development on this site has been established under outline permission RB2008/1372, and renewed under RB2014/0775 and RB2015/1460 and is considered to be acceptable.

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to have regard to the approved Masterplan Framework and Principles Document and the Waverley Central/Square Design Code whilst taking account of later phases of development.

Two house types and have been provided with an appropriate level of affordable housing provision. The applicants have also specifically designed certain areas to respond to its location within the wider site and utilised the use of effective boundary planting where appropriate.

There are no objections to the proposals from the Council's Transportation Unit. Internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and Manual for Streets. The provision of Travel Master Passes and the implementation of a Travel Plan will ensure varied means of non-car mode travel is available to future residents.

The application site is not located within a Flood Zone. A comprehensive Flood Risk Assessment and Surface Water Drainage Strategy were submitted and approved as part of the outline approval and an updated drainage report was submitted in support of this current application. A number of conditions regarding the submission of further details of foul and surface water drainage are to be attached to any permission.

In terms of the landscaping within the site, the applicants have provided an acceptable level of landscaping appropriate for the site. There are no objections to the proposed planting schemes.

The applicants have indicated that they intend to provide a commuted sum in lieu of on-site delivery of affordable housing based on 40% of the open market value of 4 units, which equates to the 10% provision as required in this first phase of development.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition number 6, 7 and 12 of this permission requires matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition number 6, 7 and 12 is fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

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) except as shall be otherwise agreed in writing by the Local Planning Authority.

- 2524-002B Proposed House Type 1
- 2524-003C Proposed House Type 2
- 2524-004E Proposed Site Plan
- 2524-005A Proposed Context Elevations
- 2524-007B Proposed House Type 1 gable
- 2524-0801 – Proposed Section
- 2524-0901 – Boundary Details
- A102647-21-C-SK01-P3 - Proposed Drainage Strategy

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site to include the correct colour mortar and window frames. The development shall be carried out in accordance with the approved details.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Policy CS28 'Sustainable Design'

## TRANSPORTATION

04

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 in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

05

Before the development is brought into use the car parking areas shown on the 2524-004E Proposed Site Plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

## GROUNDWATER / CONTAMINATION AND GROUND CONDITION

06

Prior to the commencement of development, additional plot specific site investigation shall be carried out to confirm the expected ground conditions at the site. This investigation shall be undertaken in accordance with section 6.2. Geotechnical Issues, pages 21 – 22 of the report entitled 'Waverley Area 1J – Assessment of Ground Conditions & Development Considerations - prepared by RSK Environment Ltd, dated December 2016, reference 350129-R1 (01), Final Version' and submitted to the Local Planning Authority for approval.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'

07

Prior to the commencement of development, details of gas protection measures comprising:

- a) a cast in situ floor slab with a lapped and taped minimum 1200g membrane (reinforced); or
- b) a beam and block or pre cast floor slab with a lapped and taped minimum 2000g membrane; and
- c) under floor venting in combination with either of (a) or (b) above
- d) All joints and penetrations should be sealed

Shall be submitted to and approved in writing by the local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

08

Installation of the gas protection measures approved as a requirement of condition 07, shall be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

09

If subsoil and topsoil is imported to site for remediation/land raising works and garden areas, then these soils shall be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. If materials are imported to the site then the results shall thereafter be presented to the Local Planning Authority in a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

10

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the development has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

11

Following completion of any remedial/ground preparation works a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. Evidence of the concrete specification used and water supply pipes installed will also need to be provided. The site shall not be

brought into use until such time as all validation data has been approved by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12

Prior to the commencement of development, details of suitable water supply pipes shall be submitted to and approved in writing by the Local Planning Authority to ensure resistance from chemical attack from residual contaminants remaining in the ground.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13

A design sulphate classification of DS-4 and the corresponding aggressive chemical environment for concrete (ACEC) AC-4 should be adopted for all sub surface concrete due to the elevated soluble sulphate content within the soils and made ground across the site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## ENVIRONMENTAL

14

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays.

Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

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

15

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.

Reason

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

## LANDSCAPE & ECOLOGY

16

The development hereby approved shall be carried out in full accordance with the mitigation measures outline in chapter 5 'Recommendations' of the report entitled 'Ecological Appraisal' dated 24/03/2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of biodiversity at the site in accordance with Policy CS20 'Biodiversity and Geodiversity and guidance contained within the NPPF.

17

Prior to any above ground development taking place, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out. - The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for ongoing maintenance and a schedule of operations.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS 21 'Landscapes' and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

18

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS 21 'Landscapes' and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

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.

<b>Application Number</b>	<b>RB2017/1162</b>
<b>Proposal and Location</b>	Demolition of existing dwellinghouse & erection of 2 No. dwellinghouses, 33 Arlington Avenue, Aston
<b>Recommendation</b>	Grant Conditionally

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation, due to the number of objections.



### Site Description & Location

The site of application is 33 Arlington Avenue, a 1960s detached bungalow located on the edge of Aston Village at the end of the street, which is a cul-de-sac. To the north west of the site are properties on Willow Grove whilst to the south east are properties on North Farm Court, as well as 'The Conifers' which is accessed off Piper Lane, whilst to the rear of the site is open Green Belt land. The property's garden partly falls within the Aston Conservation Area, with the existing bungalow falling outside. The existing dwellings on Arlington Avenue are a mixture of 1950s semi detached dwellings and 1960s bungalows.

### Background

RH1961/3365A - Erection of 6 houses and 2 bungalows – GRANTED

RH1967/5339 - Extension to bungalow - GRANTED

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 applicant seeks full permission for the demolition of the existing 1960s bungalow and the erection of two detached dwellinghouses.

Plot 1 will be a 4 bedroom two storey dwelling with rooms in the roofspace and measure 12m wide by 8m deep and 9.6m high. The dwelling also includes a front projecting garage measuring 5.4m high.

Plot 2 will be a 4 bedroom two storey dwelling with rooms in the roofspace, measuring 11m wide by 12m deep and 9.6m high. The property includes an orangery style extension to the rear.

The new dwellings will be constructed in traditional red brickwork with a natural slate roof and grey windows. The applicant originally intended to use clay pantiles to the roof, but agreed to use natural slate instead.

During the course of the application the site area has been slightly reduced, due to a boundary dispute with an adjoining dwelling.

The applicant's Design and Access statement states that:

- The surrounding houses are a mix of ages and appearance. It is considered that the proposed houses will therefore be compatible with the streetscape. The landscaping on the site will maintain the standard of residential amenity. There are public bus stops in close proximity.
- It is considered that the redevelopment of the site to provide 2 new dwellings will not substantially alter the size of the settlement, and therefore will not impact on it or on current local service provision. The potential for nearby houses to be overlooked by development in the site has been considered, and the site layout has been designed to take this into account.
- The existing trees/hedges to the boundary of the site will remain.
- Shrub planting will be provided to the front and rear garden areas.

The applicant's bat survey states that:

- The initial building assessment carried out on 9th August 2017 comprised an internal and external bat and nesting bird scoping survey of the single storey bungalow by a licensed ecologist. Potential bat access points/roosting features were limited to occasional gaps beneath the ridge tiles of the pitched roof. No evidence of roosting bats was observed during the building assessment. The building was considered to offer low potential to support roosting bats.
- In accordance with survey effort recommendations in the statutory guidelines (BCT, 2016) a single nocturnal survey was undertaken to determine the presence / likely absence of roosting bats on 9th August 2017 by experienced surveyors.
- During the nocturnal survey occasional common pipistrelle were recorded commuting through the survey area and forging along the northern boundary hedgerow. No bats were observed emerging or entering the building during the survey.

- From the results of the completed surveys it has been concluded that the presence of a bat roost is not a statutory constraint to the demolition of the building to facilitate redevelopment.
- In the event the proposed works have not commenced within 12 months of the nocturnal survey, it is recommended that an updated nocturnal survey is undertaken to determine the current status of the site in terms of bats.
- In the unlikely event that evidence of bat occupation or live bats are discovered during any stage of works, all works must stop immediately and further advice should be sought from Protected Species Surveys. Birds
- No evidence of nesting birds was identified during the survey. Therefore, the presence of this species has been concluded not to be a statutory constraint to the proposed operations.

### **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 'saved' policies from the Unitary Development Plan (UDP) (noted in Appendix B of the Core Strategy).

The application site is allocated for 'Residential' purposes in the UDP and this allocation is to be retained in the Local Plan, to be adopted in 2018. In addition, part of the site is within the Aston Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14 'Accessible Places and Managing Demand for Travel'  
CS21 'Landscapes'  
CS23 'Valuing the Historic Environment'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV2 'Conserving the Environment'  
ENV2.11 'Development in Conservation Areas'  
ENV3.4 'Trees, Woodlands and Hedgerows'

### **Other Material Considerations**

UDP adopted Supplementary Planning Guidance 'Housing Guidance 3: Residential infill plots'

South Yorkshire Residential Design Guide (SYRDG)

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 NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Core Strategy/Unitary Development 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. Six letters of objection have been received from residents on Arlington Avenue raising the following comments:

- The dwellings should be bungalows rather than dwellings.
- The paved area to the front is excessive in size and out of keeping in the streetscene.
- No account of land levels have been provided.
- The applicant has not properly assessed the impact upon the adjoining Green Belt and the Aston Conservation Area.
- Arlington Avenue is a narrow road and not suitable for the additional traffic these two substantial family houses will generate. The junction with Maple Grove is on a blind bend.
- The scale of the proposed dwellings would dominate/ overshadow adjoining properties.
- The scheme is detrimental rather than enhancing the street.
- Use of grey windows/doors would be detrimental to visual amenity of the area.
- The proposed access has been designed to cater for potential further development on adjoining land.
- The building works will cause stress and disturbance to current residents during the construction phase.

- Appropriate consultation not carried out.

The occupier of The Conifers does not raise any objections provided no windows are inserted into the side gable elevation of plot 2 that would look towards their property.

The applicant has requested the right to speak at Planning Board.

### **Consultations**

RMBC – Transportation and Highways Design: Note from the submitted details that the existing vehicle access crossing is to be increased in width and that both dwellings will comply with the Council's minimum car parking standards. This being the case, there are no objections to the granting of planning permission in a highways context.

RMBC – Ecology: No objection subject to relevant condition.

### **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 issues to take into consideration in the determination of the application are -

- The principle of the development.
- Impact upon the character and appearance of the Conservation Area
- Impact upon the openness of the Green Belt
- Highways issues.
- Landscaping issues.
- General amenity issues.
- Other matters raised by the objectors.

### **The principle of the development**

Paragraph 14 of the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.”

The development plan currently consists of the Unitary Development Plan (adopted in 1999) and the Core Strategy (adopted in September 2014). Paragraph 214/215 of the NPPF states that: “For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The site is allocated for ‘Residential’ use within the Unitary Development Plan. It is considered that given the site’s location in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development. Furthermore the development of this site would not prevent potential further development to the east of the site which could be accessed off the existing turning head. Any such development would have to be considered on its own merits.

It is considered that the principle of development on the site is in accordance with the NPPF.

#### Impact upon the character and appearance of the Conservation Area

Unitary Development Plan Policy ENV2.11 ‘Development in Conservation Areas’ states “In respect of designated Conservation Areas, the Council will: (iv) have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character”. In addition Core Strategy Policy CS23 ‘Valuing the Historic Environment’ and CS28 ‘Sustainable Design’ indicate that Local Planning Authorities should ensure that new development make a positive contribution to the character and local distinctiveness of the historic environment.

The NPPF states at paragraph 131, that: “In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.”

The development site partly falls within the Aston Conservation Area, with plot 2 being constructed within the current side garden area of the existing bungalow, and this garden area is within the Conservation Area. The dwellings on Arlington Avenue fall outside of the Conservation Area and do not reflect the traditional architecture of the historic village. The applicant proposes two traditional style red brick dwellings

with slate roofs, designed to reflect a traditional style whilst not appearing out of keeping with the existing post war dwellings on Arlington Avenue. The dwellings have been designed in a cottage style with traditional window detailing and a chimney to plot 1. The applicant originally proposed clay pantiles, however it was considered that natural slates are a more traditional arrangement on brick dwellinghouses and would minimise the visual impact of the dwellings on Arlington Avenue.

The side garden on which plot 2 will be built does not form an important area of open space within the Conservation Area and no important public views will be lost either from or to the Conservation Area.

Objection has been raised that the development should consist of bungalows rather than houses, though the application has to be considered on its own merits as submitted, and the dwellings proposed are considered to be appropriate in this location.

The applicant has indicated that they intend to use grey U-PVC windows, which are a popular modern choice of window colour and are suitable on traditional red brick dwellings. Turning to the large turning area to the front a condition has been attached requesting materials to ensure that the hardstanding does not consist of only tarmac but include some traditional materials such as cobbles to create an appropriate visual appearance.

As such the proposal is considered to preserve the Conservation Area and not result in any harm and accords with UDP Policy ENV2.11 'Development in Conservation Areas', Core Strategy Policies CS23 'Valuing the Historic Environment' and CS28 'Sustainable Design,' and the NPPF.

#### Impact upon the openness and character of the Green Belt

Policy ENV1.4 'Land adjacent to the Green Belt' states that: -"In areas adjacent to the Green Belt, development should be sympathetic to the visual amenity and environment quality of the Green Belt."

An objector has raised concerns regarding changes in land levels, though the levels on the site itself are relatively flat with only a small drop from front to back. The land at the rear does slope down away from the site. The proposed dwellings have been set a minimum of 10m off the Green Belt boundary and reflect the scale of dwellings in this suburban locality. The use of dark slates and muted traditional red brickwork will further minimise the visual impact and a comprehensive landscaping scheme has been requested to ensure that greenery to the Green Belt boundary is retained.

As such the impact upon the adjacent Green Belt will be acceptable.

#### Highways issues

In assessing highway related matters, Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' notes that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by 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.

Paragraph 34 to the NPPF further notes that: “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

The proposed dwellings utilise the existing highway access off Arlington Avenue, which is considered a safe access, and the two dwellings will have adequate off street parking. A number of objectors have raised concerns that Arlington Avenue is not suitable for the additional traffic generated by two large family homes. The Council’s Transportation and Highways Design team consider that the adopted road is capable of accommodating the additional traffic and note that the site is within walking distance to local amenities and public transport.

The development is therefore considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 ‘Accessible Places and Managing Demand for Travel.’ In addition, it is not considered that the development would lead to unacceptable highway safety problems.

#### Landscaping issues

With respect to these matters Policy CS21 ‘Landscapes,’ states “new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.”

The application site includes some boundary hedgerows which are to be retained as part of the scheme. The hedges will help to soften the development and form part of the character of the Conservation Area. As such a condition has been attached requiring that existing hedgerows to be retained and details of a landscape scheme to soften the proposed front turning area.

#### General amenity issues

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the Council’s adopted Supplementary Planning Guidance ‘Housing Guidance 3: Residential infill plots’ which sets out the Council’s adopted inter-house spacing standards. The Guidance states that there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

Further to the above, the NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The dwellings are to be set within generous plots, which are set off the boundaries to minimise any harm to neighbouring amenity. It is noted plot 2 includes a window to the side elevation which is at first floor level, however this is high level window at 1.7m high and as such will not create overlooking. Any further openings at first floor level in the side elevation would require planning permission, unless they are obscure glazed or not set at a high level, thus protecting the amenity of the neighbouring occupiers.

The proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces and would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' and that contained in the NPPF. As such it is considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of neighbouring properties.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 93sqm for 4 bed properties. The dwellings far exceed these minimum standards and include gardens beyond the 60sqm minimum recommend by the SYRDG. As such the dwelling will be acceptable to future occupants.

Having regard to the above it is considered that the proposed layout is in accordance with the guidance outlined in the SYRDG and Council's SPG 'Housing Guidance 3: Residential Infill Plots'.

#### Other matters raised by objectors

A number of objectors have raised concerns regarding disturbance during the construction phase. The site has no unusual constraints that would give rise to an undue amount of disturbance during the construction process, and an informative has been attached ensuring that the applicant is made aware of their requirement to minimise noise and disturbance to avoid potential enforcement action from Environmental Health.

Finally an objector has raised concerns regarding the level of public consultation which has taken place. However the scheme has been advertised on site, by way of a press notice and through individual neighbour notification letters. As such the application has been adequately advertised.

#### **Conclusion**

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that is allocated for Residential purposes and would be in compliance with the requirements detailed within the UDP and Core Strategy, as well as the adopted Supplementary Planning Guidance and the NPPF.

Furthermore the proposal will have a positive impact upon Aston Conservation Area and not be detrimental to highway safety. In view of the above it is recommended that planning permission be granted.

## 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):

(Plot 1 Elevations and Floor Plans No.7690 & Plot 2 Elevations and Floor Plans 7691)(Received 25 July 2017)

(Amended layout plan) (Received 20 September 2017)

Reason

To define the permission and for the avoidance of doubt

03

Before the development is brought into use, details of the surfacing and drainage to the turning head and driveways shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that surface water can adequately be drained and that the proposed materials are in keeping with the Conservation Area, in accordance with UDP Policy HG5 'The Residential Environment'.

04

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be:

Hanson South Down Multi Brick  
Wienerberger Britlock graphite slates  
Grey U-PVC windows

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 CS28 'Sustainable Design' and CS23 'Valuing the Historic Environment'.

05

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC landscape guidance document and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying,

removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

06

Within 5 years of the commencement of the works no hedge shall be cut down, uprooted or destroyed nor shall any hedge be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any hedge is removed, uprooted or destroyed or dies, another hedge shall be planted in the immediate area and that hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows', as well as Core Strategy Policy CS23 'Valuing the Historic Environment'.

07

The dwellings shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with CS28 'Sustainable Design' and CS23 'Valuing the Historic Environment'.

08

The development shall be undertaken in accordance with the recommendations of the submitted Protected Species Surveys ecological report dated August 2017.

Reason

In the interest of ecology.

**Informative**

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 Rotherham 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.

**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 which is in accordance with the principles of the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2017/1191</b>
<b>Proposal and Location</b>	Outline application for the erection of 1 No. dormer bungalow and replacement garage for host property with all matters reserved, on land rear of 56 Manvers Road, Swallownest
<b>Recommendation</b>	Grant Conditionally

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation, due to the number of objections.



**Site Description & Location**

The application is the rear/side garden of 56 Manvers Road, a 1960s bungalow constructed in render and artificial stone. The proposed building site is immediately behind a bungalow known as Manvern and the application site appears to have formed part of the rear garden of Manvern in the past though at some point was transferred to form an enlarged garden area for No. 56. Manvers Road has a varied streetscene made up of post war dwellings ranging from bungalows to terrace dwellings with a number of small cul de sac developments. To the rear of the site are

the rear garden areas of properties on Eden Grove whilst to the south and east of the applicant's property are residential properties on Manvers Close.

## **Background**

RB2003/0759 - Outline application for the erection of a dwellinghouse - GRANTED CONDITIONALLY

RB2006/1241 - Outline application for the erection of a dwellinghouse (renewal of RB2003/0759) - GRANTED CONDITIONALLY

RB2009/1253 - Outline application for the erection of a dwellinghouse and garage - GRANTED CONDITIONALLY

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 is an outline application for the erection of a dormer bungalow with all matters reserved. The applicant originally proposed a two storey dwelling which has since been amended to dormer bungalow following Officer advice. The applicant has provided an indicative plan showing a detached dormer bungalow as well as a replacement garage for the host property, and an access to Manvers Road.

As an outline application, it is only the principle of the development that is being considered. Should permission be granted, details of the scale, appearance, layout, landscaping and means of access would be considered in the future at the reserved matters stage.

Access to the site would require the demolition of an existing garage building that is in the front garden area of the applicant's property. Adjacent to this building are two Lombardy Poplar trees. In addition, the proposed garage for the host property would require the demolition of existing outbuildings in the rear garden area.

The applicant's Planning Statement States that:

- The existing property is to be retained along with a more than adequate area of garden, with the existing drive extended to serve both properties. As the existing garage will be demolished to facilitate this it will be relocated. The new property will occupy the corner of the site, again with a garden space in excess of the minimum requirements.
- There have been some changes to policy since the most recent approval on the site, such as the adoption of the Rotherham Core Strategy in 2014. However, policy HG4.4 in respect of back land and tandem development was retained, and as the original approval was in accordance with this policy, this one must also comply.

- In addition the South Yorkshire Residential Design Guide is now being used. The proposals comply with its requirements to the extent that they apply, including layout and existing and new external space standards.
- The proposals make use of an unused back land space, situated in a residential area. The Core Strategy notes that there are limited housing growth opportunities in terms of available land in Swallownest and the surrounding area, and so residential development of this type is to be encouraged.

The applicant has submitted a tree survey which notes that:

- The trees within this site should not be an obstruction to a development proposal.
- Development of this site should not be commenced before the two Lombardy Poplars are removed. The most sensible course of action would be to demolish the garage first and then remove the trees.
- A small Willow tree in the rear garden area would also be removed though it has the appearance of a large shrub and is of little relevance. The site clearance works will provide an opportunity for work to trees in neighbouring gardens (two Ash trees in the rear gardens of properties on Eden Close .
- Improving the appearance of the Ash trees, either by remedial pruning or by removal and replacement, will make this site and the finished house considerably more attractive.

### **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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Residential purposes in the UDP and this allocation is to be retained in the Local Plan, to be adopted in 2018. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS21 'Landscapes

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'

HG4.4 'Backland and Tandem Development'

### **Other Material Considerations**

SPG 'Housing Guidance 2: 'Back land and Tandem Development'

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 NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.)

The Core Strategy/Unitary Development Plan policy(s) 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. Six letters of objection have been received stating that:

- The proposal will result in a loss of natural light to adjoining properties.
- The proposal will result in a loss of neighbouring privacy.
- The demolition of the workshop building in the front garden area and the removal of the two Poplar trees may cause ground disturbance and damage to a boundary wall which is currently in a poor state of repair.
- The demolition of an existing outbuilding in the rear garden area needs to be clarified as there is a supporting wall with neighbouring dwellings.
- Strongly object to a two storey building and would suggest a bungalow.

One right to speak request has been received from the occupier of a neighbouring property.

### **Consultations**

RMBC Transportation and Highways Design – No objections subject to minimum parking standards and a minimum drive width of 3.5m.

RMBC Land Contamination – The application site and surrounding sites appear to be free from any former industrial usage which could have given rise to ground contamination. For this reason it is not anticipated that there will be any risks to human health from contaminated land.

RMBC Tree Service Manager – The removal of the 2 Poplar trees will no doubt result in a significant reduction of amenity due to their mature size. In order to help provide future amenity replacement planting is recommended with any consent. In addition the future prospects of the trees on adjacent land will need to be safeguarded throughout any development. In part this may be achieved by the provision of temporary barrier fencing in accordance with the standard planning tree protection condition.

## **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 of the application are as follows.

- Principle of the proposal
- Impact upon neighbouring amenity
- Impact on visual amenity and on the street scene
- Impact on highway safety
- Tree issues
- Other issues raised by objectors

### Principle of the proposal

Paragraph 14 of the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted."

The development plan currently consists of the Unitary Development Plan (adopted in 1999) and the Core Strategy (adopted in September 2014). Paragraph 214/215 of the NPPF states that: "For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans

according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The site is allocated for ‘Residential’ use within the Unitary Development Plan. Saved UDP Policy HG4.3 ‘Windfall Sites’ states that the Council will determine proposals for housing development in the light of their location within the existing built up area and compatibility with adjoining uses and compatibility with other relevant policies and guidance.

It is considered that given the site’s location in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development and be compatible with adjoining uses.

It is considered that the principle of development on the site is in accordance with Council Policy in this respect and with the NPPF.

#### Impact upon neighbouring amenity

The adopted SPG ‘Housing Guidance 2: ‘Back land and Tandem Development’ states: “The Council will not look favourably upon proposals for the subdivision of individual residential plots where such development would lead to a reduction in existing levels of residential amenity due to overlooking

The applicant has submitted a site plan, which is for indicative purposes only, showing a dormer bungalow positioned close to the boundary with Manvern. The site at 686sqm is sufficient to accommodate a dwelling on site, however since the overall width is only some 19.5m, any first floor windows could overlook the garden of neighbouring dwellings and the host property No.56, which is a primary concern of the objectors. The applicant has therefore agreed that the dwelling should be a dormer bungalow only rather than a full two storey dwelling, and has indicatively shown habitable room windows to the eastern elevation only and at a distance of 10m from the eastern boundary.

The final layout will be considered at the reserved matters stage, however it is considered that the applicant has demonstrated that a dormer bungalow can potentially be accommodated on the site.

#### Impact on visual amenity and on the street scene

The NPPF notes at paragraph 56 that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 64 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.”

Policy CS28 ‘Sustainable Design,’ of the Rotherham Core Strategy 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.”

Saved UDP Policy HG4.4 Back Land and Tandem Development states that: “The Council will resist the development of dwellings in tandem except in cases of low density where further development would not be detrimental to the amenities and character of the area. In these exceptional circumstances, the Council will impose criteria relating to building height, space around the building, privacy, safety and vehicular access.”

The adopted SPG ‘Housing Guidance 2: ‘Back land and Tandem Development’ states: “The Council will not look favourably upon proposals for the subdivision of individual residential plots where such development would lead to a reduction in existing levels of residential amenity due to overlooking and/or where, together with the precedent it would create, it would have an adverse impact on the character of a residential area and the efficiency of access arrangements by virtue of increased density and multiplicity of access provision.”

In this instance Manvers Road has no uniformed character with variety of dwelling types. There are examples of similar backland developments on the road and as such the proposed backland development would be in keeping with the grain and character of the area. However in this backland location a full two storey dwelling would appear out of keeping in relation to the adjoining dormer bungalows, as such the applicant has agreed to a dormer bungalow which would better reflect the adjoining dwellings and minimise its visual impact from Manvers Road.

Accordingly, it is considered that a dormer bungalow on site would be acceptable and would comply with the requirements detailed within UDP policy HG4.3 ‘Windfall Sites’, insofar as the application site is surrounded by residential properties within a built-up residential estate and would be compatible with adjoining uses. Policy HG4.3 also requires development to be compatible with other relevant Policies and guidance, and these are referred to in more detail below. It would also be compatible with Policy HG4.4 Back Land and Tandem Development as it is not considered that it would have a detrimental impact on the character of the area, and for the reasons set out above it could be developed such that it does not have an unacceptable impact on adjoining occupiers.

As such the proposal accords with UDP Policies HG4.3 ‘Windfall Sites’, HG4.4 Back Land and Tandem Development, and Local Plan Policy CS28 ‘Sustainable Design’ and the NPPF.

#### Impact on highway safety

The applicant has indicated a potential access to Manvers Road between No.56 and “Manvern”. This would appear to be the only potential access available and the Council’s Highways Officer considers that a suitable access for a single dwelling could be accommodated at a minimum width of 3.5m.

Tree issues

With respect to these matters Policy CS21 'Landscapes,' states "new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development."

The removal of the 2 Poplar trees will no doubt result in a reduction of amenity due to their mature size. However, it is not considered that these trees warrant formal protection by way of a Tree Preservation Order and in order to help provide future amenity, replacement planting is recommended with any permission. In addition the future prospects of the trees on adjacent land will need to be safeguarded throughout any development. This can be achieved by the provision of temporary barrier fencing in accordance with the standard planning tree protection condition.

Other issues raised by objectors

A number of objectors have raised concerns regarding potential damage to boundary walls as a result of proposed demolition on the site. This is an issue that can be considered in detail at the reserved matters state and a condition is recommended requiring details of any impact on boundary features.

**Conclusion**

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that is allocated for Residential purposes and would be in compliance with the requirements detailed within the UDP and Core Strategy, as well as the adopted Supplementary Planning Guidance and the NPPF. Details of matters such as the scale and appearance of the proposed dormer bungalow would be considered at the reserved matters stage.

In view of the above it is recommended that outline planning permission be granted.

**Conditions**

01

- a. Application for approval of reserved matters must be made within three years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
  - I. The expiration of five years from the date of this permission; OR
  - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason**

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

02

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

Reason

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

03

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 that mud and other extraneous material is not deposited on the public highway and that the dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

04

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reasons

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

05

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

06

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. The Landscape scheme should be prepared in accordance with RMBC landscape guidance document and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

07

The detailed plans to be submitted in accordance with this outline permission shall include details of how boundary features will be protected/reinstated following any demolition works and removal of trees on the site.

Reason

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

**Informative**

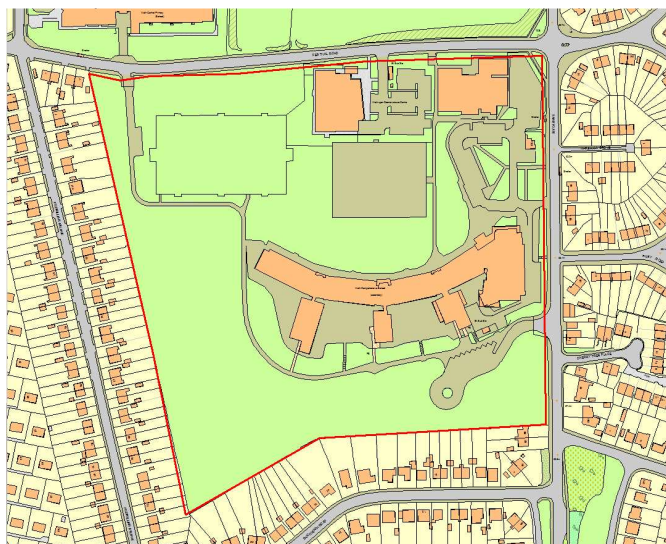
Detailed plans to be submitted in accordance with the requirements of this permission should include the siting of elevations containing habitable room windows at first storey level being not less than 10m from the site boundary, or 20m from any main elevation in any existing adjacent dwelling. They should also include the position of blank or secondary elevations being set not less than 12m from the elevation of any existing adjacent dwelling.

**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.

<b>Application Number</b>	<b>RB2017/1250</b>
<b>Proposal and Location</b>	Two storey extension to Block H and extension to the main car park, Wath-upon-Dearne Comprehensive School, Sandygate, Wath-upon-Dearne. S63 7NW.
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



### Site Description & Location

The application site relates to Wath Comprehensive school which is located on the western side of Sandygate and south of Festival Road in Wath. The school was redeveloped a few years ago to a crescent shaped building with the Block H being located on the western wing of the school building.

Directly to the west of the site are some internal paths and beyond that school playing fields.

Some of the areas around the southern half of the school building lie within a known surface water flood risk area.

The main car park is accessed at a single point off Sandygate to the east and currently has a one-way flow around it in a clockwise direction.

### Background

The site has had numerous previous applications, and was re-developed in 2003 with the following being the most recent and relevant:

RB2009/0844 – Continuation of use of all weather pitch and associated floodlights with variation to conditions 1 & 2 (hours of operation) imposed by RB2005/1419 to allow the all weather pitch & associated floodlights to be used between 0900 and 2200 hours Monday to Friday and 1000 to 1800 hours Saturday & Sunday – granted

RB2010/1056 – Erection of single storey modular building for use as classroom – granted

RB2016/0030 - Application to remove Condition 03 (temporary use) imposed by RB2010/1056 (Erection of single storey modular building for use as classroom) – granted

### **Proposal**

This is a full planning application for the erection of a two storey extension and can be summarised as follows:

- Two storey side extension to be erected on the western elevation of the crescent building.
- The extension would be of a similar scale and design to the existing school building and would use similar materials.
- A total of 5no. additional classrooms, an office, a workspace and additional toilets would be created.
- The proposals do not involve any development of the existing playing fields but do require an alteration to the internal paths.
- An additional 6no. full time staff would be employed.
- A secondary proposal is to increase the car parking area by an additional 35no. spaces to the main car park at the front entrance of the application site (off Sandygate).
- The entrance width into the site will remain unchanged. It is proposed to install an automatic gate under permitted development rules.

### **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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Community facilities in the Development Plan which is proposed to be retained in the Site and Policies document. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS25 Dealing with Flood Risk

CS28 Sustainable Design

CS29 Community and Social Facilities

Unitary Development Plan 'saved' policy(s):

CR1.5 Community Facilities

ENV3.7 'Control of Pollution'

### **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 NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

The Core Strategy / Unitary Development Plan/Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

### **Publicity**

The application has been advertised by way of site notices (25 August 2017) and letters to neighbouring properties (23 August 2017). No representations have been received.

### **Consultations**

Sport England – No objections. The sequential test has now been passed following the submission of additional supporting information.

#### **RMBC**

Streetpride (Transportation and Highways) – no objections subject to conditions  
Neighbourhoods (Environmental Health) – no objections  
Streetpride (Drainage) – no objections to revised scheme

### **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

- Design, Scale and Appearance
- Impact on the surroundings
- Highway Safety
- Flood Risk and pollution control Issues

### Principle

The application site is within the Wath Comprehensive School grounds which is allocated for community facilities in the Development Plan and which is to be retained in the Local Plan. Policies CS29 Community and Social Facilities and UDP CR1.5 Community Facilities indicate that provision of improved local facilities will be supported

The potential impact on playing fields is the next main concern. Sport England initially objected to the proposals on the grounds that whilst the proposed extension would not encroach onto the playing field, the deflection of the through path across the site would encroach onto it.

The applicant submitted further supporting information that indicates that the site is sloping and mounded land, that the playing field site is not currently used by the school, and that a further pitch can be re-marked slightly further to the south west if necessary.

Sport England reassessed the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy and are now satisfied that the proposed development meets the following Sport England Policy exception:

*E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.*

The principle of a school extension in this location is therefore acceptable.

### Design, Scale and Appearance

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, paragraph 56 of the NPPF states that: "Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

It is considered that the scale and height of the proposed buildings are consistent with those within the existing school and the proposal seeks to replicate the existing design of the school.

Overall it is considered that the proposed development is of a satisfactory quality and is of an appropriate scale and design which will comply with the general advice within the NPPF and Core Strategy CS28 'Sustainable Design.'

### Impact on the surroundings

The site lies well within the existing school and approximately 80m to the boundary of the nearest residential properties to the west on Fitzwilliam Avenue. The extension will be attached to the existing school and its siting is not considered to generate any overlooking or privacy issues to the surrounding properties.

The building will operate within the same hours as the existing school and is not considered to generate any additional noise or disturbance to the properties along Fitzwilliam Avenue.

The application proposal is considered to be in keeping with the surroundings and in conformity with saved UDP Policies ENV3.7 'Control of Pollution'

### Highway Safety

The Transportation Unit have indicated that overall there are no objections from a highway safety aspect subject to conditions.

The proposed installation of the access barrier is set several metres away from the highway and considered to represent permitted development under part 2 of the GPDO. The Transportation Unit have queried whether this could lead to an increased likelihood of queuing traffic into the highway but the applicant has indicated that this is required by OFSTED for security.

In terms of the impact of the development on residential amenity, the nearest car parking spaces are located approximately 32m from the nearest properties along Sandygate. The existing car park has spaces facing east-west and it is considered that this proposal will not increase glare from car headlights shining into properties on Sandygate.

### Drainage and Flood Risk Issues

The site lies within a surface water flood risk area, though the additional floorspace is small compared to the wider site area and is less than 5% of the total building footprint.

The Drainage Officer has indicated that he is satisfied with the revised drawings and it is not considered that the classroom extension would materially increase the risk of flooding. Likewise, the additional car parking details are also considered acceptable by the Council's Drainage Officer.

### **Conclusion**

The principle of extending the existing school is acceptable and the proposal is considered to be of a suitable size and scale that confirms to the design of the current building. No objections are raised from a highway safety aspect or increased flood risk and no objections have been received from any local residents. The application is therefore 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)

Plans 713/18/283-108, 109, 110

Elevations 712/16/96-401, 402

Parking layout 713/18/283-116

Drainage details 713/18/283 DR01, car park drainage 713-18-283-DR05

(received 18.08.17, 12.09.17, 26.09.17)

Reason

To define the permission and for the avoidance of doubt.

03

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

04

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.

05

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 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.

**Informatives**

The applicant is reminded that any proposals to alter the width of the access and entrance onto the highway at Sandygate would require separate planning consent.

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.