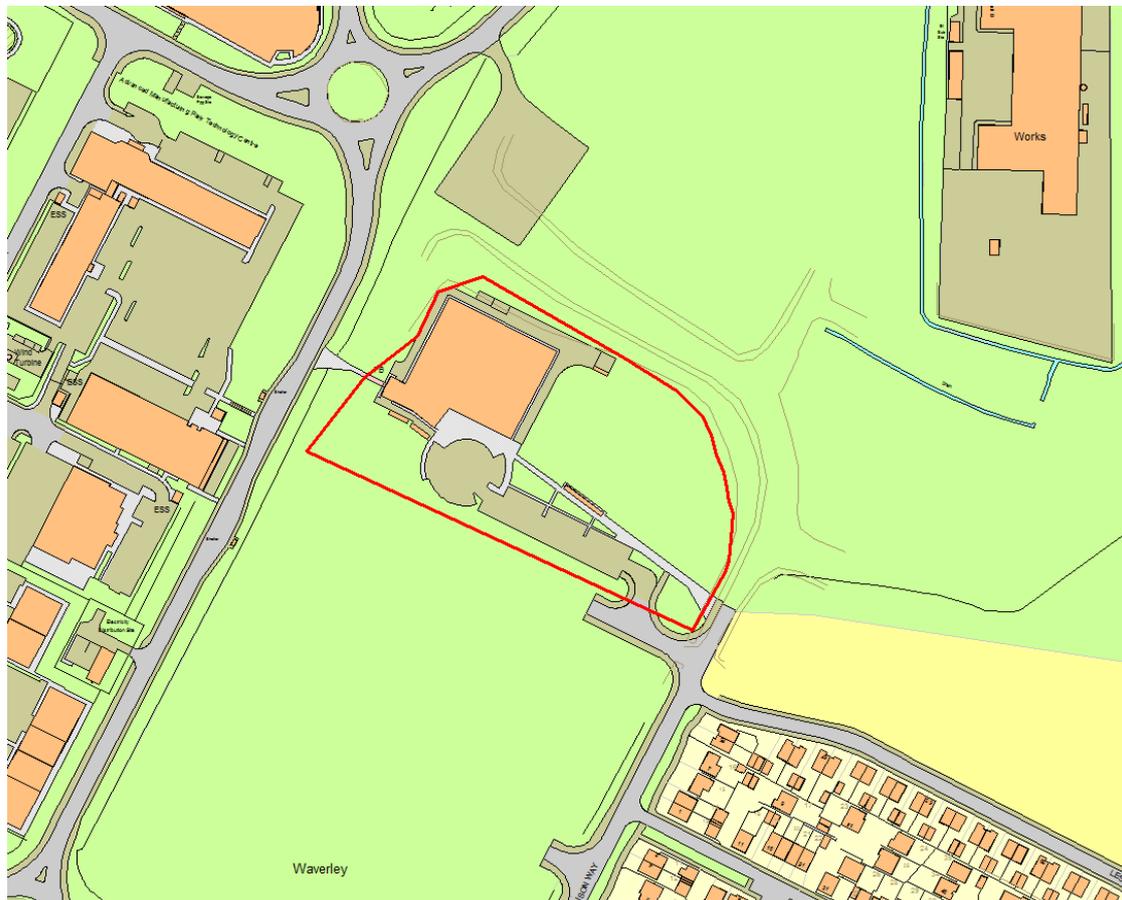


**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 31 MAY 2018**

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

Application Number	RB2018/0494
Proposal and Location	Expansion of car parking facilities to create an additional 70 No. spaces at land adjacent to the AMRC Training Centre, Highfield Spring, Waverley
Recommendation	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 is located adjacent to the Advanced Manufacturing Park (AMP). The main pedestrian entrance to the AMRC Training Centre is from Highfield Spring. However, vehicular access and car parking is taken from the rear of the building, at Stephenson Way, which forms part of the access to the new residential community of Waverley.

Specifically, the application site is located to the eastern side of the Training Centre and to the north of the existing car park, which is currently undeveloped. The total site area extends to some 2ha but this takes account of the entire Training Centre site. The proposed area of works, i.e. the car parking expansion areas measures some 1,610qm.

Background

The following applications are relevant to the application site –

RB2012/0633 - Erection of training centre including landscaping, car park, service road and temporary haul road – Granted Conditionally 03/07/2012

RB2012/1303 - Non-material amendment to application RB2012/0633 to include alterations to elevations and layout – Granted 03/10/2012

RB2014/0549 - Non-material amendment to application RB2012/0633 to include site enhancements – Granted 13/06/2014

RB2018/0298 - Alterations to frontage – Granted Conditionally 22/03/2018

Proposal

The application seeks consent for an extension to the existing car park to release some of the pressure on the area by providing additional managed parking spaces. At present the total parking capacity equates to 67 standard car spaces with 4 accessible parking bays and 12 motorcycle bays.

The proposed expansion will increase the number of car parking spaces by 70 and double the number of accessible parking spaces. These spaces are proposed to be provided adjacent to the existing car park and will be accessed via the existing access off Stephenson Way.

The application has been supported by the following documents –

Planning Statement assesses the proposals insofar as they relate to relevant local policy and national guidance and concludes that the application accords with the Framework in that proposals represent sustainable development and provide a commitment to securing economic growth to create jobs and prosperity.

Transport Assessment assess the impact of the development on the local highway network and concludes that there are no reasons from a traffic and transportation perspective why the development proposals should not be granted planning approval.

Travel Plan demonstrates the University's commitment to sustainable transport and confirms that they will implement a car park management strategy, offer a car share scheme and continue to purchase public transport tickets in bulk which achieve discounts that are passed onto staff.

Furthermore, the site is easily accessible by bicycle, being close to a reasonable cycle network. All of the above measures will be implemented to assist in a reduction of single car use.

Air Quality Assessment provides an overview of relevant air quality guidance and air quality in the vicinity of the site. The report confirms that the proposals are required to alleviate existing on street parking which currently occurs in the area. Therefore it is assumed that the car park extension will not result in an increase in vehicle movements on the road network.

Ecological Appraisal confirms that the survey badgers or roosting bats are not present on site. There is however potential for active ground nesting birds' nests to be destroyed during vegetation removal, if undertaken during the bird breeding season. It is recommended that vegetation clearance works are scheduled to be undertaken outside of the bird breeding season i.e. undertaken between September and February (inclusive). No other ecological constraints have been identified during the ecological assessment.

Preliminary Drainage Design Statement provides information relating to the surface water drainage of the site and concludes by stating that provision can be designed into the scheme to ensure the site can drain adequately without harm to adjacent sites.

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 the purposes of Industry and Business in the UDP, however forms part of a wider special policy area within the Sites and Policies DPD. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS3 'Location of New Development'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS21 'Landscape'
- CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

- ENV3.7 'Control of Pollution'
- T6 'Location and Layout of Development'

Publication Sites and Policies - September 2015 policy(s)

- SP69 'Mixed Use 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 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)."

Publicity

The proposal was advertised in the press, on site and via letters to adjacent occupants. Four representations have been received from 3 separate addresses. The main points are summarised below:

- The proposal is welcome and well overdue but I would ask if it goes far enough. For several years it has felt like we have moved onto a car park.
- Added to the issues of the volumes coming into the estate, are the buses that often cannot get onto the estate because of the parking. Residents with mobility issues or children are having to walk considerable distances or not use the bus.
- When the new Dransfield site begins to be built, there will be further traffic on Stephenson Way including, I expect, machinery etc, and I would ask whether the provision outlined in this application is sufficient for both the needs of the current intake and projected future volumes in line with existing residential traffic and the other vehicles that come into the estate.
- In tandem with the increased parking options, there should be some thinking around public transport. The available public transport is currently not good enough
- Consider opening a station on the train line that runs behind the AMC and open up more options for public transport

- Bring more buses to the vicinity. The buses that serve the estate are infrequent, badly timetabled (for example, the two buses that serve the estate often come within minutes of each other!?) and do not come from a wide range of areas.
- Offer incentives for car sharing and or/bus passes to promote use of public transport.
- Introduce a cycle scheme where bikes are subsidised. Place a crossing on Highfield Spring to reduce concerns about students crossing the road.
- This expansion cannot come soon enough.
- Please build this additional parking as soon as possible and build responsible driving and speed observation in to the travel plan also that maybe the AMRC take more responsibility over its students.
- Maybe permits could be revoked for drivers who drive dangerously out of the residential estate. Any future expansions to the site or simple increase of students should be done with a planned expansion to parking. I will be objecting to any plans to expand the site as the housing estate cannot sustain more cars without parking.

Consultations

RMBC - Transportation and Highways Design – raise no objections to the proposed development subject to the imposition of conditions which include one requiring the measures contained within the Travel Plan to be fully implemented during the lifetime of the development.

RMBC – Drainage - raise no objections to the proposed development subject to the implementation of the works in accordance with the submitted drainage details.

RMBC – Landscape – have confirmed that the proposals include an appropriate level of mitigation planting and therefore no formal objections are raised on Landscape grounds.

RMBC – Ecologist - accept the findings and conclusions contained within the submitted Extended Phase 1 Habitat Survey. Accordingly no objections are raised subject to suitably worded conditions requiring the provision of nesting/roosting opportunities.

RMBC - Environmental Health (Air Quality) – acknowledge that the site is located close to Sheffield Parkway which is mandated by the Government as an Air Quality Zone. Accordingly and to make the development acceptable a condition is recommended require details and later provision of electric vehicle charging points.

The Coal Authority – have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area, however when considering this particular proposal, they do not consider that a Coal Mining Risk Assessment is necessary and do not object to this planning application.

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
- Transportation Issues
- Drainage and Flood Issues
- Air Quality
- Landscape and Ecological Implications

The Principle of Development

The application site is allocated for industrial and business purposes in the adopted Unitary Development Plan where use classes B1, B2 and B8 are considered to be acceptable in principle. This allocation has been changed within the emerging Sites and Policies DPD to a Special Policy Area reflecting what has been constructed and what is committed on this and adjacent sites.

In this regard Policy SP69 Mixed Use Area 21: Highfield Commercial, Waverley states *'A major mixed-use development is proposed at Highfield Commercial as defined on the Policies Map. The development will comprise: a mixed-use local centre serving Waverley New Community and the Advanced Manufacturing Park; mixed employment development; residential development; and a range of community facilities. Development will be planned on a comprehensive basis, designed and phased to ensure maximum practical integration between the different uses within and beyond the site. The intention is to create an integrated, mixed-use area, designed to the highest practicable standard, which will become the vibrant heart of Waverley. To this end a masterplan for the area as a whole shall be prepared on a collaborative basis, and agreed in writing by the Council prior to the approval of any planning applications for the proposed developments. The development of Mixed Use Area 21, as shown on the Policies Map, for mixed employment, residential and local centre purposes to serve Waverley New Community and the Advanced Manufacturing Park will be supported in principle. The area consists of four distinct sites and the appropriate uses in each are set out below.*

1 Land north of, and including, the University of Sheffield training centre

Appropriate uses in this location are:

B1a, B1b, B1c (business)

C1 (hotel)

D1 (conference centre)

Car parking/public transport interchange'

This policy is explicit in that it names the University Training Centre as an acceptable use. With this in mind, the proposed expansion to the car park is proposed to cater for the existing demand by staff and students to the training centre and is therefore ancillary to the main function of the site. The University has been operating in this area since 2013 following the approval of planning permission in 2012 when the principle of development was established. For these reasons the application is considered to be acceptable in principle and in accordance with emerging Policy SP69 Mixed Use Area 21: Highfield Commercial, Waverley.

Transportation Issues

A Transport Assessment (TA) and Travel Plan (TP) have been submitted in support of the application. The TA has been reviewed by the Council's Transportation and Highways department who have confirmed it presents a clear and unambiguous review of the current situation. The TA explains how the additional parking spaces proposed will resolve the existing problems which are the subject of complaints from residents and bus operators. The findings of the TA are accepted and no objections are raised from a transportation perspective subject to conditions requiring the marking out of the car park prior to first use.

A representation has been received suggesting that the proposals do not go far enough to resolve the existing problem of on street parking and alternative measures should be considered. In this regard a rail station serving Waverley is under consideration but is unlikely to happen for a minimum of 5 years. As the site matures, more buses will serve the area however commercial operations are demand led and will only be enhanced as more dwellings and supporting uses are built out. Timetabling changes are difficult as they are based on the destinations served from the site rather than what would be considered ideal by residents. As more build out takes place a greater frequency of services serving more destinations will be put in place. Incentives for car sharing and bus passes to promote use of public transport are already offered by the university to staff and students. A cycle scheme for staff is already offered by the university although students are not eligible as they are not employees. Additionally, the nearby consented mixed use centre will include for the provision of a light controlled crossing to enable safe crossing of Highfield Spring.

Many of these measures are outlined within the submitted Travel plan which is considered to be acceptable for a development of this nature.

Having regard to all of the above, it is considered that the additional parking spaces will provide an adequate short to medium term solution for the existing demand for car parking spaces generated by students and staff of the University. The measures outlined within the Travel Plan will assist in reducing the reliance of single occupancy car use and the recommended condition requiring all of these measures to be implemented will only reinforce this. Accordingly, the proposals are considered to be in accordance with the provisions of UDP Policy T6 'Location and Layout of Development'

Drainage and Flood Issues

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.

The applicant has submitted detailed plans and calculations indicating how the additional area of hardstanding will be drained. This information has been assessed by the Council's Drainage department and deemed to be appropriate in this instance. Accordingly, and subject to the development being carried out in accordance with these details the works are considered to be acceptable and conform with the advice contained within the NPPF

Air Quality

The site lies close to the Sheffield Parkway and recently the Government has named Rotherham and Sheffield as one of 23 areas in England where concentrations of Nitrogen Dioxide (NO₂) exceed statutory limits and are projected to continue to do so over and beyond the next 3-4 years. Rotherham MBC is a mandated Clean Air Zone authority.

In particular, the Government's new National Air Quality Plan (NAQP) identifies a number of road corridors in the Sheffield and Rotherham area which are predicted to still be breaching the statutory limit on the annual average concentration of NO₂ by 2021, under a 'Business as Usual' forecast scenario. In particular, Defra's NAQP suggests potential breaches of the 40 µg/m³ limit on the A630 – A57 Parkway (from M1 J33 to City Centre), and sections of the A61 Inner Relief Road. The breaches are caused by road traffic, in particular diesel vehicles.

Access to the proposed development site is via the Parkway and therefore through the area identified in the NAQP. It is acknowledged that the additional parking is required to cater for existing demand; nevertheless incentives are required to be put in place to encourage greener modes of transport. Accordingly and to make the development acceptable, taking account of Rotherham MBC's Delivering Air Quality Good Practice Guidance 2014 and the fact that Rotherham MBC is a mandated Clean Air Zone

authority, it was requested that a number of electric vehicle charging points should be incorporated into the scheme. The University have agreed to this approach and details of the amount and where these will be installed will be secured via a condition.

In light of the above no objections to the proposed development are made from an air quality perspective.

Landscape & Ecological Considerations

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.”

Policy CS20 ‘Biodiversity and Geodiversity seeks to 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.

Additionally 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. This will be achieved through the principles set out below:

- f. Landscape works shall be appropriate to the scale of the development.”

Furthermore, Policy SP36 ‘Conserving and Enhancing the Natural Environment states “Development should conserve and enhance existing and create new features of biodiversity and geodiversity value.

Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures.”

The proposed development will result in the loss of trees which are located along the northern boundary of the existing car park. Following discussions with the Council’s landscape team a replacement landscape scheme has been submitted which indicates any trees/planting which are proposed to be omitted as part of the car park extension work will be replaced on a like-for-like basis within the landscape buffer strip along the southern boundary of the site. The various planting zones along the entrance path, adjacent to the

cycle parking areas will also be omitted as part of the proposed works, however they will be replaced within this same buffer zone.

Based on the above, the proposals include an appropriate level of mitigation planting and are therefore considered to accord with the provisions of Policy CS21 Landscape and emerging Policy SP35 Green Infrastructure & Landscape.

Turning to ecological issues, the application is supported by an Ecological Appraisal which confirms that *“the survey identified that badgers are not resident on site. However, as badgers have the potential to move across the Site from time to time, best practice measures should be implemented to safeguard individual animals, including covering all deep excavations overnight or insertion of an escape ramp. Roosting bats are not considered to be a receptor for development and therefore further survey is not considered necessary. There is potential for active ground nesting birds’ nests to be destroyed during vegetation removal, if undertaken during the bird breeding season. It is recommended that vegetation clearance works are scheduled to be undertaken outside of the bird breeding season. No other ecological constraints have been identified during the ecological assessment.”*

The Council’s Ecologist has assessed the content of the Appraisal and agrees with the methodology used when carrying out the survey work and further concurs with the conclusion raised. It is acknowledged that all amenity grassland on Site will be lost, higher quality semi-improved grassland at the south-west of the Site will be retained and biodiversity gain can be implemented on Site through replacement shrub planting to provide better habitat structure on Site. It is further considered that that the inclusion of bat roosting and bird nesting provision would provide a positive enhancement for nature conservation and would comply with the NPPF aims for biodiversity. Furthermore it is recommended that the University comply with the aims and implementation of measures contained within the approved Waverley Biodiversity Action Plan.

Having regard to this the Council’s Ecological Development Officer does not raise any objections to the proposed development subject to the imposition of conditions based on the conclusions of the Ecological Appraisal. The proposals therefore accord with the provisions of Policy CS20 ‘Biodiversity and Geodiversity and Policy SP36 ‘Conserving and Enhancing the Natural Environment’.

Conclusion

The proposed expansion to the car park is proposed to cater for the existing demand by staff and students to the training centre and is therefore ancillary to the main function of the site. The University has been operating in this area since 2013 following the approval of planning permission in 2012 when the principle of development was established. For these reasons the application is considered to be acceptable in principle and in accordance with emerging Policy SP69 Mixed Use Area 21: Highfield Commercial, Waverley.

The additional parking spaces will provide an adequate short to medium term solution for the existing demand for car parking spaces generated by students and staff of the University. The measures outlined within the Travel Plan will assist in reducing the reliance of single occupancy car use and the recommended condition requiring all of these measures to be implemented will only reinforce this. Accordingly, the proposals are considered to be in accordance with the provisions of UDP Policy T6 'Location and Layout of Development'

The proposed development will not have a detrimental impact on drainage within the area nor will it affect air quality, subject to the installation of vehicle charging points.

Having regard to the above it is recommended that planning permission be granted subject to the following conditions.

Conditions

GENERAL

01

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

Reason

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

02

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

- Proposed Car Park Plan – Dwg No. SK-121 Rev PL6

Reason

To define the permission and for the avoidance of doubt.

TRANSPORTATION

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 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.

04

Before the development is brought into use the car parking area shown on the Proposed Car Park Plan – Dwg No. SK-121 Rev PL6 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.

05

The measures contained within the Travel Plan 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. In this respect, parking at the University Training Centre shall be ring-fenced for staff and students of that development and any use by other University staff/visitors shall be confined to times when students are not using the centre.

Reason

In order to promote sustainable transport choices.

AIR QUALITY

06

Within 3 months of the commencement of development, details of a double electric vehicle charging point for the development approved shall be submitted to and agreed in writing by the Local Planning Authority and such approved details shall thereafter be retained and maintained for the lifetime of the development

Reason

To ensure that provision is made for the parking and charging of electrically powered vehicles.

DRAINAGE

07

The development hereby approved shall be carried out in accordance with the details provided in the documents listed below and remain as such for the lifetime of the development, unless otherwise agreed in writing with the Local Planning Authority

- Drainage Strategy – Dwg No. 68066 CUR 00 ZZ DR C 92001 - Rev P03
- Surface Water Calculations dated 10/04/2018

Reason

In the interest of satisfactory and sustainable drainage

LANDSCAPE

08

Prior to the carpark being brought into use, 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 based upon the Bond Bryan Architects Landscape masterplan drawing No 15-080-SK121 RevPL06 and shall clearly identify through supplementary drawings where necessary:

- Areas of structural and ornamental planting that are to be carried out.
- 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

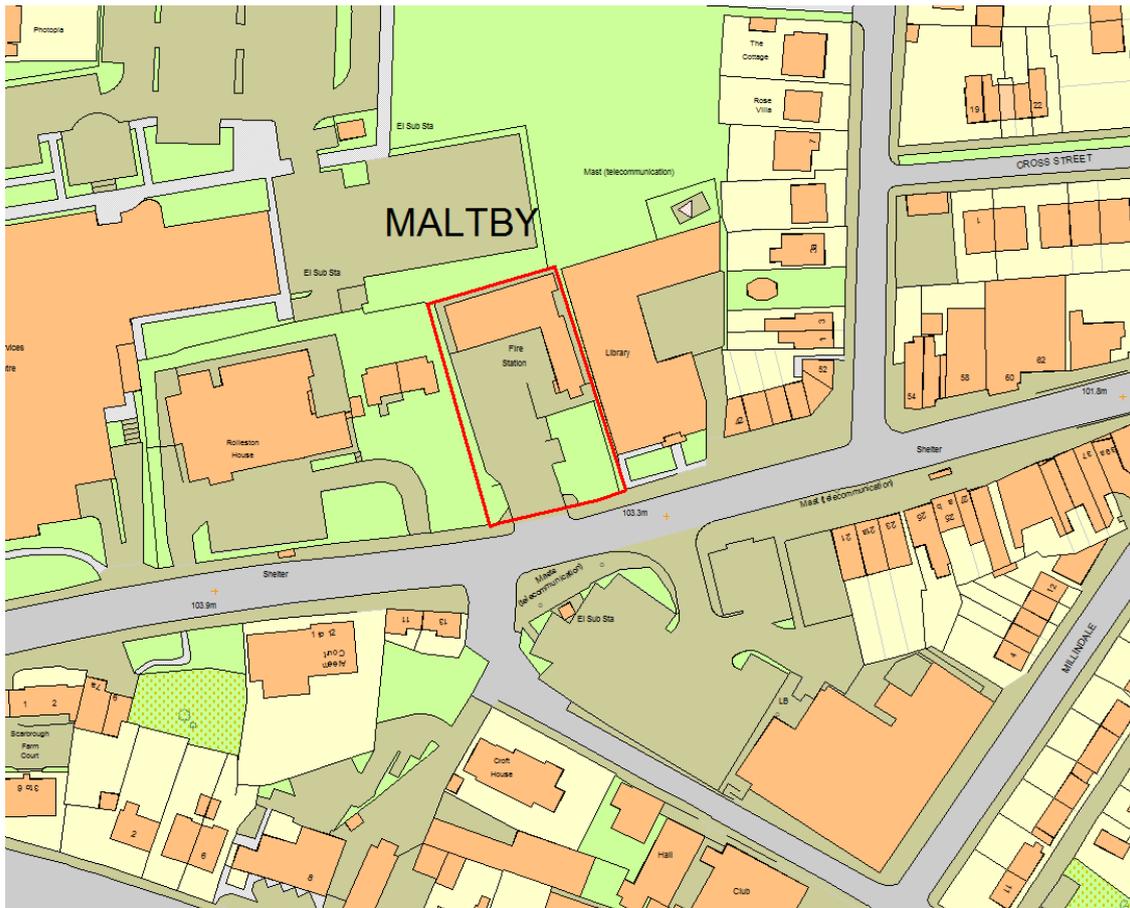
To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS21 Landscape, ENV3 'Borough Landscape' and ENV3.4 'Trees, Woodlands and Hedgerows'.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/0527
Proposal and Location	Change of use to fish & chips restaurant/takeaway (Use Class A3/A5) at Maltby Fire Station, High Street, Maltby
Recommendation	Grant subject to conditions

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



OFFICER'S REPORT

Site Description & Location

The application site lies adjacent to Maltby Town centre as designated in the Local Plan, on the north side of High Street. The site consists of the former Maltby Fire Station which is a single and two storey flat roof building with attached training tower. The building and associated access slopes upwards from High Street and accommodates a large area of hardstanding with a smaller grassed area to the front.

Two residential properties are located immediately to the west (1 and 2 Rolleston House) whilst the former Maltby library, which is now vacant, lies to the east and the newly constructed Maltby Leisure Centre is located to the north.

Background

The site has a varied planning history relating to the former use as a fire station, none are therefore relevant to this application.

Proposal

The application seeks consent for the change of use of the ground floor premises which comprises of a vacant fire station to a combined restaurant (Use Class A3) and hot food takeaway (Use Class A5). The application also proposes the replacement of the fire appliance doors with windows and the installation of a new door within the western elevation.

The proposed opening hours are as follows:

- 11:30 – 21:00 Hot Food Takeaway (A3)
- 11:30 – 22:00 Restaurant (A5)

The application does not seek permission for any associated signage as a separate application for advertisement consent would be required.

Development Plan Allocation and Policy

The application site is allocated for Community Facilities (Leisure) in the UDP and the emerging Rotherham Sites and Policies Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS12 Managing Change in Rotherham's Retail and Service Centres
CS14 'Accessible Places and Managing Demand for Travel,'
CS29 Community and Social Facilities

Unitary Development Plan 'saved' policy(s):

ENV3.7 Control of Pollution
CR1.5 Community Facilities

The Rotherham Local Plan 'Publication Sites and Policies' document policy(s):

SP23 Primary Shopping Frontages
SP25 Hot Food Takeaways
SP64 Safeguarding Community Facilities

Other Material Considerations

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 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 Sites and Policies document has completed its independent examination and the Council has received the Inspector’s final report and Main Modifications. The Council envisages adoption of the Sites and Policies document in summer 2018. Given the stage of plan preparation the Council considers that significant weight can be given to the draft policies in line with paragraph 216 of NPPF.

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 press and a site notice along with individual neighbour notification letters to adjacent properties. 1 petition containing 292 signatures, and 25 letters from 24 separate addresses, including Maltby Town Council, have been received objecting to the proposals, and 1 letter of support have been received, raising the following comments:

Support

- Due to the lack of restaurants in this area I think it is a much needed boost to the area.

Objection

- Another fish and chip restaurant in Maltby is unnecessary;
- The scale of the building and site is excessive for a restaurant/take away;
- The building should remain in a community use;
- Existing small businesses will be affected if planning permission is granted;
- The site should be used for residential purposes;
- The site should be converted into a facility for young people to socialise;
- The whole area from the corner of the B6376 Braithwell Road embraces the Leisure Centre, the Full Life Community Church, the Fire Station and the Maltby Community Library, and should be maintained as such for the benefit of the Community of Maltby as originally designated and authorized by previous Council Authorities.
- The street is very busy and the addition of more cars coming on and off of the road could cause safety issues
- Being an employee of a take away business and having seen the damage caused to employee hours and opportunities due to the excessive increase of take-away shops in recent times I fear what could happen to local family run businesses with such a huge chip shop chain being added to the centre of Maltby.
- An important building like the old fire station which is adjacent to a library, church and community centre would be disconnected by being a take away/restaurant.
- The original plan for Community allocation is by far the better plan for this section of the High Street. This would enable the existing community hub to be maintained i.e from The Sports Centre and attached Health and Social Services Centre, all the way through to and including the area currently occupied by the Library.
- The relocation of the Fire Station elsewhere should not result in the loss of a community facility. The site should therefore be maintained for other specifically Community uses.
- The definition of Community in this context would, and should, be Social, Recreational, Creative, Educational, Spiritual, Health, and Well Being. All of these uses provide for the physical, psychological, spiritual and social needs of young through to older members of our Community. A Fish Restaurant and Takeaway would not meet the criteria. Furthermore community use is largely charitable and non profit making, and run 'By the Community for the benefit of the Community'.
- Maltby already is high on the index of communities with health issues. I believe Planners have a duty to consider the wider social issues of health and wellbeing in Community planning.
- Any Fish and Chip restaurant will inevitably create smell and this would affect the tenants living next door.

Maltby Town Council

- The Town Council objection is to the takeaway element and not to the restaurant; there is a large number of takeaways on the High Street and within the town. Another fish & chip shop takeaway will also impact on the fish & chip shop businesses that are already within Maltby, the majority of these have been established for many years and support the area.

Consultations

RMBC - Transportation and Highways Design: Confirm that the proposed layout is acceptable from a highway aspect subject to conditions

RMBC - Environmental Health: Acknowledge that there are some residential properties close by so there is some potential for odour nuisance from the development. Accordingly it is recommended that a condition be imposed on any approval of planning permission requiring details of a suitable extraction and/or filtration system.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- The principle of development.
- Impact on the viability and vitality of Maltby Town Centre
- Design & visual impact
- Impact on neighbouring amenity.
- Highway safety

Principle of the development

This proposal seeks permission for a change of use of the former Fire Station to a fish & chip restaurant / takeaway (Use Class A3/A5). The site is within land allocated for Community Facilities (Leisure) use in the UDP and is proposed to be retained as such in the Rotherham Sites and Policies Local Plan.

Having regard to the site's Community use allocation the following policies are considered to be relevant:

Core Strategy Policy CS29 Community and Social Facilities states that:

The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency.

Saved UDP Policy CR1.5 Community Facilities states:

Those areas allocated on the Proposals Map for Community Facilities will, wherever possible, be retained or developed for such purposes during the Plan Period. In addition, land or buildings currently used or last used for community purposes, but not identified as such on the Proposals Map will be similarly safeguarded wherever possible. Development proposals which involve the loss of key community facilities shall only be permitted where the local planning authority is satisfied that the retention of the land or building in community use is no longer viable, or where adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility.

Emerging Policy SP64 Safeguarding Community Facilities (as amended) reiterates this broad approach and sets out more detail:

Development proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility, or that the retention of the land or building in community use is no longer viable, on the basis that..."

The Inspector in his final report clarified his understanding of the operation of this policy:

"226. With regard to the loss of particular community facilities, such as those related to health care, the policy recognises that account will be taken of alternative provision or some other overriding public benefit that will result from the loss of the facility. If it is found that the proposal is justified on either of these grounds Criteria d-g (as modified) would not apply. Consequently the terms of the policy are not overly rigid and will allow account to be taken of any plans for the reorganisation and re-provision of local services.

It is acknowledged that there is no further requirement for the retention of the Fire Station given that the facility has been relocated. The Council are not aware of any other specific community needs or requirements that have been identified and which could be accommodated on this site. Indeed it is acknowledged that the new leisure centre has been constructed immediately to the north of the site which provides a host of opportunities for community use. For these reasons it is considered that the proposed change of use would not conflict with the provisions of Emerging Policy SP64.

Impact on the viability and vitality of Maltby Town Centre

The proposed uses are main town centre uses and the site is located in an edge of centre location, close to Maltby town centre. The proposal therefore needs to satisfy the sequential test requirements set out in Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres'. It is acknowledged that the evidence required should be proportionate to the scale of development proposed.

Policy SP25 Hot Food Takeaways (as proposed to be amended) further clarifies that hot food takeaways outside of town, district and local centres will be required to satisfy Core Strategy Policy CS12 and will not be permitted where they would result in more than two A5 units being located adjacent to each other.

The application indicates that the restaurant element is some 150sqm, and the takeaway 40sqm, with the uses sharing services (such as the kitchen) of 80sqm; a total of 270sqm.

A sequential test assessment has been submitted and it was agreed that the assessment should consider Maltby town centre only, given the edge of centre location. Whilst the applicant has not specifically referred to flexibility in terms of the proposed development, in other circumstances flexibility of +/- 10% of the floorspace has been considered appropriate. In this case such an approach would provide a range of floorspace between 243 and 297 sqm.

In applying the sequential test for the proposed uses regard should be had to Policy SP23 Primary Shopping Frontages, which states that A3 restaurants and cafés uses at ground floor level would be supported where it can be demonstrated that they would, in the first instance not dilute the concentration of A1 shops in the Primary Shopping Frontage below 65%, or further reduce the current percentage of A1 shops where the concentration is already below 65%.

Based on data from the latest town centre survey only 51% of premises within Maltby's primary shopping frontage (shown on map 9 at Appendix 1 of the Publication Sites and Policies document) are A1 uses, well below the 65% referred to in policy. The Policy also indicates that A5 uses will not normally be supported at ground floor level within the primary shopping frontage. In view of the above it was agreed that the sequential test should exclude

premises within the primary shopping frontage and only consider those units within the remainder of the town centre.

Having regard to the above, the applicant has considered the latest monitoring data from the Council which identified two vacant premises: 91 High Street and 4-8 Tickhill Road. Both of these are smaller than the proposed development, even allowing for some flexibility. It is therefore considered that these have been discounted appropriately and that there are no other vacant premises of a suitable size available. Of the 7 units larger than 270sqm in the town centre, four are within the primary shopping frontage and therefore excluded from consideration. The remainder are all presently occupied. Even if vacant they would likely be discounted as too large given that they are of 350sqm or above in size. The only alternative possibility is land adjacent to 21 High Street, which is available and being marketed. However this is within the primary shopping frontage and therefore excluded from consideration. Whilst this has not been assessed the Council are satisfied that the site, at some 225sqm, would be too small even allowing for some flexibility.

In light of the above it is considered that the sequential test requirement has been satisfied and the proposals in this respect comply with Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and Policy SP25 Hot Food Takeaways, together with guidance contained within the NPPF.

Design and visual impact

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." Paragraph 17 further states planning should always seek to secure a high standard of design.

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."

Having regard to the above, the proposal involves very few alterations to the front and side elevations of the building. These alterations include the replacement of the fire appliance doors with windows and the installation of a fire door within the western elevation.

Due to the modest scale of the external alterations proposed it is considered that the works retain the architectural character of the host building and its surroundings and therefore comply with the provisions of Policy CS28 Sustainable Design and paragraph 56 of the NPPF.

Impact on neighbouring amenity

'Saved' UDP 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.

In addition, emerging Local Plan Policy SP25 'Hot food take-aways' states: "Proposals for hot-food takeaways will be considered in light of their impact on amenity and any mitigating measures. This will include taking account of highway safety and parking, hours of operation, control of odours and cooking smells, litter and waste disposal, and crime and anti-social behaviour."

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."

Paragraph 123 of the NPPF adds that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

This planning application relates to the change of use of the property into a restaurant and hot food takeaway. Environmental Health have confirmed that there is some potential for odour nuisance from the development due to the proximity of adjacent residential properties. Accordingly they have recommended that a condition be imposed requiring the submission of details relating to the provision of a suitable extraction and/or filtration system which will ensure that any odour emanating from the site will not have a detrimental impact on the living conditions of nearby residents.

Having regard to the opening hours, the application proposes to open the restaurant between the hours of 11:30 – 22:00 and the takeaway element between the hours of 11:30 and 21:00. These opening hours are recommended to be a condition of any future planning permission and together with the condition requiring the installation of a suitable extraction

system, are considered to adequately address the amenity impacts of the development. As such, the proposals are considered to be in accordance with relevant Policy and NPPF guidance.

Highway safety

In assessing highway related matters, 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 (amongst other):

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

In addition, emerging Local Plan Policy SP25 'Hot food take-aways' states: "Proposals for hot-food takeaways will be considered in light of their impact on amenity and any mitigating measures. This will include taking account of highway safety and parking...."

Paragraph 34 to the NPPF further goes on to note 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."

With regard to the proposed layout, it is acknowledged that a large area of hardstanding exists to the front of the property which was required as part of the former use of the site as a fire station. Additionally there is an existing radius type vehicular access to High Street which is unnecessary for the purposes of the uses proposed. Accordingly, the Council's Transportation and Highways department have confirmed that adequate space exists for the provision of in curtilage parking and subject to a condition requiring a reduction in the width of the existing vehicular access to High Street, the development will not have a detrimental impact on highway safety. As such no objections are raised from a transportation and highway perspective.

Having regard to the above, the development is considered to accord with the above Policies and paragraph 34 of the NPPF.

Other matters

A number of representations have been received raising concerns that the proposed development will have a detrimental impact on existing small businesses in the area and result in a loss of jobs. Whilst this point is noted, the matter of competition is not a material consideration when determining this application.

Other matters raised by objectors, such as the site being retained within a community use, highway safety implications and the potential for odour emanating from the site, have been previously assessed within the report.

Conclusion

In summary, it is considered that the proposed change of use, subject to appropriate conditions, would not have an impact on the viability and vitality of Maltby Town Centre. Appropriately worded conditions have been proposed to ensure that the use as a restaurant and hot food takeaway would not have a significant impact on the locality.

Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

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 4 of this permission requires matters to be approved before development works begin; however, in this instance the condition is 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 4 are fundamental to the acceptability of the development and the nature of the further information required to satisfy this condition 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)

- Location Plan – Dwg No. MFS/1
- Site Plan – Dwg No. MFS/2
- Proposed Front Elevations – Dwg No. MFS/4
- Proposed Side Elevation – Dwg No. MFS/6
- Proposed Ground Floor Layout – Dwg No. MFS/9
- Takeaway Extraction – Dwg No. MFS/11

Reason

To define the permission and for the avoidance of doubt.

03

The use hereby permitted shall only be open to customers or for deliveries between the hours of:

- 11:30 – 21:00 Hot Food Takeaway (Use Class A3)
- 11:30 – 22:00 Restaurant (Use Class A5)

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

04

Prior to the commencement of development details of a suitable extraction and/or filtration system shall be submitted to and approved in writing by the Local Planning Authority. These details shall include discharges at a point not less than one metre above the highest point of the ridge of the building or any such position as may be agreed in writing by the Local Planning Authority. The approved extraction/filtration system shall thereafter be implemented prior to the development being brought into use and thereafter maintained and operated in accordance with the manufacturer's specifications and be operated effectively at all times during cooking.

Reason

So as to ensure correct dispersion of cooking odours to avoid disamenity to the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

05

Before the development is brought into use the car parking area shown on the Provisional Car Parking Plan Ref: MFS/2 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.

06

The development shall not be brought into use until the existing radius type vehicular access to High Street has been reduced in width and replaced with a dropped kerb type vehicular access (7 No. dropped kerbs and 2 No. taper kerbs) in accordance with details which shall be submitted to and approved by the Local Planning Authority.

Reason

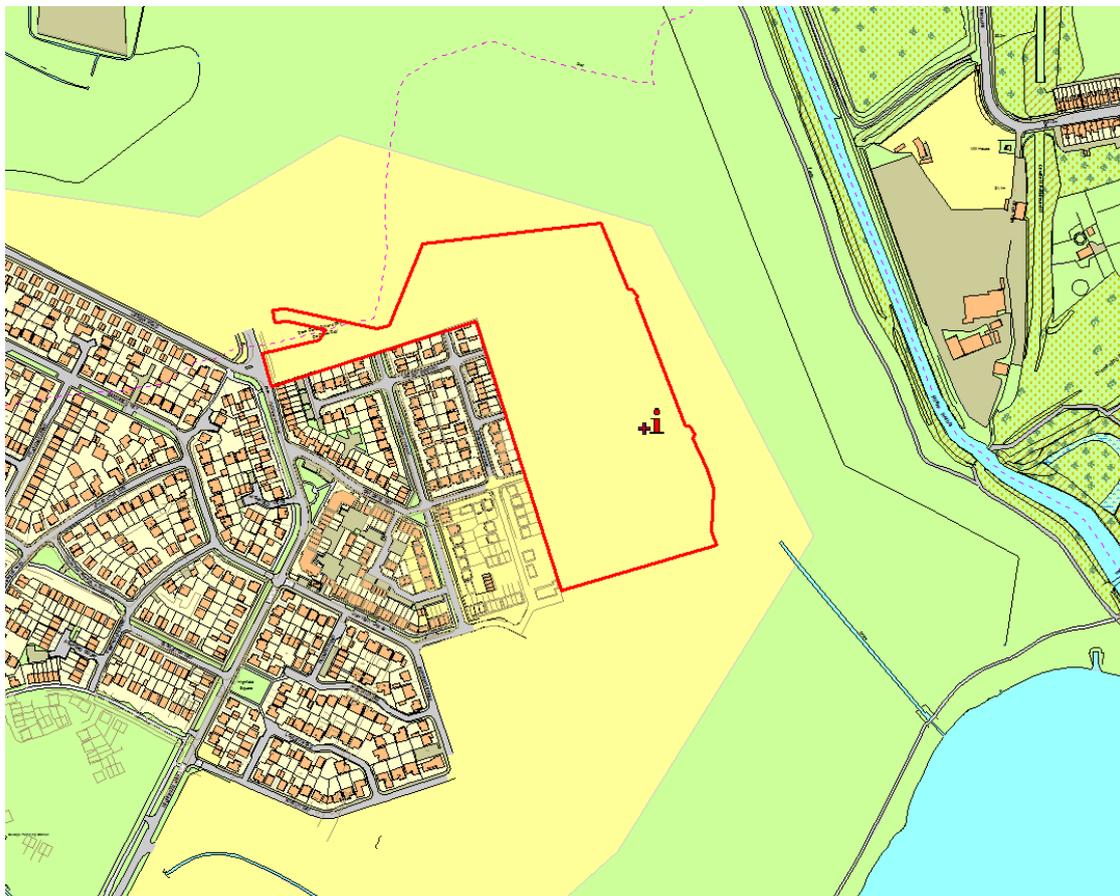
In the interests of road safety.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/0569
Proposal and Location	Reserved matters application (details of scale, access, external appearance and layout) for the erection of 229 residential dwellings (reserved by outline RB2017/0743) at Waverley New Community, off Highfield Lane for Avant Homes.
Recommendation	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 2a. It is located to the north and east of previous phases of development by Harron and Barratt Homes which are nearing completion. The site has an irregular shape and extends to approximately 5.2 hectares. Existing road infrastructure exists in the form of Highfield Lane and various internal access streets which have direct links into the site.

Development immediately to the south and west comprises primarily of two and two and a half storey dwellings, many of which are now occupied. Land to the east is identified on the approved Waverley Master Plan as Highwall Park and land to the north is reserved for the first primary school and its associated playing fields.

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
- RB2017/0743 - 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 – Granted Conditionally 05/12/2017
- RB2017/1591 - Reserved matters application (details of scale, access, external appearance and layout) for the erection of 220 residential dwellings (reserved by outline RB2017/0743) – Granted Conditionally 25/01/2018

In addition to the above, a number of Reserved Matters applications have been submitted and subsequently approved amounting to 946 dwellings.

Proposal

The application is for the approval of reserved matters for part of the scheme approved under outline permission RB2017/0743, for Phase 2a 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. All matters were reserved at the outline stage and this application seeks approval for details relating to access, appearance, landscaping, layout and scale.

Members will recall that a planning application for 220 dwellings was considered by Planning Board in January 2018, this application introduces the Avant Homes 'Bridge Range' onto the site which are effectively a more affordable market type dwellings and given they wish to increase the number of dwellings on site from 220 to 229 a new application is required.

The mixture of units proposed include 2 bedroom apartments 3, 4 and 5 bedroom dwellings which are 2 and 3 storeys in height.

In accordance with the outline permission for phase 2, 17.7% affordable housing is provided which equates to 41 no. units, comprising of 18no. 2 bed apartments and 23 no. 3 bed dwellings.

The layout can be summarised as follows:

- 60 no. 2 bed apartments, 91 no. 3 bedroom dwellings, 70 no. 4 bedroom dwellings and 8 no. 5 bedroom dwellings;
- Mixture of apartments, terraced, semi-detached and detached dwellings extending to 2 and 3 storeys in height;
- Streetside Edge, outward facing development that will interact with the school and other public services;
- Parkside Edge, a rhythmical and uniform development that overlooks an important strategic greenspace;
- Internal streets - intimate streets defined by a less regular form and massing;
- Connections to existing approved development parcels;
- Materials include red and buff brick with white and grey render;
- Car parking will be provided in the form of integral and detached garages or parking courts.

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

Planning Statement considers the proposals in line with local policy and government guidance and concludes by stating that "this Reserved Matters planning application is in full conformity with the outline approval and that the appearance, layout, scale, mix, landscaping and access are appropriate in the context of the wider Waverley New Community. Further technical information has also been provided in relation to ecology, transport and drainage to demonstrate that the proposed development is sustainable and entirely suitable for residential development."

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.

Ecological Checklist confirms that disturbance/displacement of ground nesting birds, wintering birds and brown hare are the main biodiversity implications however an ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods.

Flood Risk Assessment Report has been prepared in relation to the original FRA dated October 2017. It concludes by stating

“The site falls within Flood Zone 1 and the Sequential Test is satisfied. However, in order to accommodate the possibilities of flood from extreme storm or blocked sewers, the following precautionary flood mitigation measures are recommended:-

7.1.1 The finished floor levels to the properties shall be raised above external levels by a minimum of 150mm, where possible.

7.1.2 Properties shall be designed without any basements and ground floors shall comprise solid concrete slabs or beam and block with screed construction.

7.1.3 Incoming electricity supplies shall be raised above ground floor level and ground floor electric sockets shall be served by loops from first floor level. 7.1.4 In the unlikely event of flooding on the site, it would be appropriate to design external levels with falls to non-critical areas, such as landscaping, where the water can pond without causing flooding to buildings.”

Transport Assessment assesses the impact of the proposals on the local highway network and concludes by stating “It is demonstrated that no mitigation will be required to deliver the Waverley Phase 2A site and that there are no traffic grounds to withhold consent for the proposed development.”

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):

CS1 'Delivering Rotherham's Spatial Strategy'
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'
SPA1 '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 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/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.

The Council's Parking Standards (approved in June 2011).

Publicity

The application was advertised in the press and by individual letters to neighbours. Site notices were also erected on site. A total of 1 representation has been received which are summarised as follows:

- The proposed bin store will sit directly behind my property

Consultations

Streetpride (Transportation and Highways) have assessed the proposals in line with relevant policies and guidance and consider the development to be acceptable subject to the imposition of conditions.

Streetpride (Landscape) have assessed the proposals in line with the approved Design Codes and confirm that subject to appropriately worded conditions no objections are raised.

Streetpride (Drainage) raise no objections to the proposed development subject to the submission of additional information relating to calculations which can be secured via an appropriately worded condition.

Neighbourhoods (Affordable Housing Officer) are satisfied that the proposals meet the required amount of affordable housing provision for this phase and the house types proposed meet current need in the area.

Yorkshire Water raise no objection to the proposals.

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, again in December 2015 under RB2015/1460 and finally in January 2018 under RB2017/0743. 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
- 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 2a of the wider Waverley development and is located immediately to the north and east of previously consented sites which are now nearing completion. The layout comprises a mix of apartments, terraced, semi-detached and detached dwellings. The properties are proposed to be 2, and 3 storeys in height.

As previously reported, planning permission was granted in January 2018 for 220 dwellings, this application seeks to increase the numbers to 229 by substituting some of the house types which are located primarily within the centre of the site which are defined as the Internal Streets.

The layout of this phase of development follows the general principles set out in the masterplan and approved Waverley Central Design Code in that it incorporates key frontages along Highfield Lane and Highwall Park and respects the continuation of Waverley Walk and the Streetside Edge. The Highfield lane frontage, whilst forming only a small proportion of the wider development respects the requirement for a strong continuous frontage providing accommodation in the form of 2 apartment blocks extending to 3 storeys in height. The siting and design of these apartment blocks have been developed to provide consistent spacing which assist in the continuation of this important street scene and complement the existing built form which is currently nearing completion further south along Highfield Lane. All car parking is located to the rear of these blocks in designated parking courts.

Having regard to the northern boundary of the site, this street forms the northern most area of the Streetside Edge where there is a requirement for the unbroken regular frontage established along Highfield Lane to be continued. This street will interact directly with the plot of land reserved for the construction of the first primary school and consists of a mix of 3 storey apartment blocks, 3 storey semi-detached dwellings and 2 storey detached dwellings. The building line of development is regular with little variation in the setback from the highway and gaps between buildings are restricted to ensure continuity of frontage over important spaces. Car parking is provided to the rear of the apartment blocks in car parking courts or on plot for individual dwellings.

Turning to the Parkside Edge, which forms the eastern boundary of the site; this street will directly overlook a strategic area of greenspace known as Highwall Park and as such is identified on the regulating plan as being a key frontage. Any built development along this street will be readily visible from within the park and will set the precedent for future development parcels further to the south.

The house types proposed along this street comprise solely of 3 storey semi-detached dwellings with strong gable frontages. This is with the exception of a single detached property and the side elevation of an apartment block located within the northern corner. The building line of development along this street is regular with little variation in the set back from the highway and the house types proposed vary only slightly between central gables and gables on each end. Gaps between the buildings are regular to reinforce the

regular rhythm of development. Parking is on plot and located within the gaps between buildings which is in keeping with the proposals set out in the Design Code.

The remainder of the development i.e. 'The Internal Streets' are less formal than the Streetside Edge and Highwall Park frontage and comprise of a mix of terraced, semi detached and detached dwellings at 2 and 3 storey's in height. A variety of materials including red and buff brickwork alongside white and grey render similar to that previously approved in the Waverley Central and Highfield Spring Character Areas are proposed, alongside soft landscaped front gardens without any formal means of enclosure. Rear gardens onto internal streets which result from outward facing development benefit from robust boundary treatments comprising 1800mm brick walls with timber infills.

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 SYRDG further advocates that a common minimum rear garden or amenity space distance of about 10 metres in depth.

The proposed residential units on this phase of development comprise of a mixture of 2, 3, 4 and 5 bedroom dwellings and apartments which are 2 and 3 storeys in height. The site is located immediately to the east of properties within Phases 1E and 1F, which consist primarily of 2 and 3 storey dwellings. Separation distances between the existing and proposed built form vary along the length of the intersection, however all maintain the minimum separation distances of 12m between habitable room windows and blank elevations and 21m between habitable room windows. These distances, together with the comparable scale of the proposed units is considered to be acceptable and will not have an unacceptable impact on the living conditions of existing residents.

It is noted that an objection has been received regarding the location of the bin stores which serve the apartments in the north western corner of the site (Plots 129 - 158). The location of this bin store has not altered from the previously approved permission; however it has been condensed into a single brick built structure which will enclose the bins on all sides. This amendment, together with the proposed landscaping around this area is considered to improve the relationship between the existing residential properties and the proposed development and will prevent excessive amounts of noise and smells from emanating from the bin stores. Furthermore it is considered that the appearance of the structure when viewed from the existing residential properties first floor windows and from within the proposed car parking courts will be greatly improved.

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 62sqm for 2 bed properties, 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types proposed have been designed to adhere to these space standards and each dwelling will have private rear gardens and be within easy reach of the wider open space adjacent the lakes. Adequate 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.

It is acknowledged that the proposed apartment blocks do not benefit from any amenity space; however this plot of land forms part of the wider new community which has a planned green infrastructure strategy aimed to deliver many recreational and ecological benefits. The first phase of open space regeneration within Waverley Park (land to the south of the wider site) has already commenced and within the new community, open space provision will complement and enhance the built form. In excess of 105ha of the site is located within the Green Belt and together with Highwall Park, planned to be located to the east of the site, the total area dedicated to open space exceeds 116ha. All of these areas are or will be within an acceptable walking distance to this proposed plot of land and as such it is considered to be a sufficient amount and nature to negate the need for planned allocated amenity space for the residents of the proposed apartments.

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: RB2017/0743. This document clarifies the changes proposed to 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 2a includes a mix of house types in accordance with this requirement, including 2, 3, 4 and 5 bed dwellings and apartments.

Other chapters include details on 'Massing' and 'Character Areas'. This Phase of development falls within the Waverley Central character area which identifies the density of this area to be between 30 to 60 dwellings per hectare and confirms that 'The site will predominantly contain a mix of 2, 2.5 and 3 storey dwellings'.

The height of the proposed units range from 2 to 3 storeys in height with the majority of the 3 storey units being located around the perimeter of the site. The use of these units assist in the provision of these primary frontages as required by the Masterplan Framework document and as such creates a strong perimeter structure. The proposed development comprises a range and mix of dwelling types including family detached and semi-detached properties, mews houses as well as apartments. The proposed development has a net density of approximately 43 dwellings per hectares which is compliant with the outline permission and the subsequent approved Waverley New Community Masterplan Framework and Principles Document (September 2017) which highlights a density of dwellings between 30-60 dwellings per hectare.

The design code for this phase of development was submitted in response to the requirement of Condition 3 of the outline approval (RB2017/0743). 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. As previously stated the proposed layout incorporates a primary frontage and respects the character of the Greenway. The layout also responds to the requirements in the code with respect to building lines, scale, architectural style, materials, boundary treatment and street widths.

Additionally, the layout identifies different street types including the use of landscaping features and pedestrian links as identified in the Design Code. The street scenes and separation distances between residential dwellings accord with the parameters of the approved Design Code and use of strong frontages along the perimeter to ensure that the proposed development is in full compliance with the rules and parameters of the approved Design Code 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.
- 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 SYPTE 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 provision, all properties have in curtilage provision in the form of driveways and integral or detached garages consistent with the Council's minimum standards for 2, 3, 4 and 5 bedroom units. This is with the exception of the apartments whose parking is located within designated parking courts adjacent to their respective blocks. Further visitor parking is proposed in planned laybys adjacent to Highwall Park which will serve visitors to this strategic area of green space. All parking provision accords with the Council's guidance which is contained within the document entitled 'The Council's Parking Standards (approved in June 2011)'. The development is therefore considered to be acceptable in this regard.

In general, the site has good access to public transport and local facilities, being within easy walking distance to bus stops located on Lescar Road and Highfield Lane. 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.

In this regard the FRA states that “The updated Outline Surface Water Strategy, 2014, provided guidance on how surface water flows would be managed across the entire site to ensure no increased flood risk in the wider catchment. The surface water system is designed at the capacity to accommodate flows from all phases of the development.

The development will utilise the site wide surface water system. In line with Building Regulations, the disposal of surface water followed a hierarchal approach. The following options for the disposal of surface water run-off were considered, in order of preference:

1. A soakaway or some other infiltration system
2. A watercourse
3. A sewer

A surface water sewer system will be constructed across the site wide development in addition to a separate foul sewerage system. The outline network will include a combination of adoptable piped sewers, open watercourses and attenuation reservoirs. The attenuation reservoirs are covered by the Reservoirs Act 1975. These will control the surface water run-off from the development prior to the discharge to the River Rother.

The surface water system for Plot 2A, which is the northern plot of this site, will discharge to the surface ARP ASSOCIATES - 1498/09r1 APRIL 20 18 17 water stub provided with an agreed 1 in 30 year flow of 440l/s outfalling into the proposed temporary watercourse. Similarly, the southern Plot 2B of 2.8ha will discharge through the surface water stub to Plot 2B at a 1 in 30 year flow of 616l/s. Both of these stubs are 450mm diameter and outfall into the proposed temporary watercourse, which discharges through the existing temporary ditch into Lake Waverley. This proposal is in keeping with the strategy agreed with Harworth Estates, and is to be in accordance with all Regulatory Authorities. Notwithstanding the above, the detailed drainage design for this phase of works will need to satisfy the requirements of Yorkshire Water and the master developer in addition to the RMBC, as Lead Local Flood Authority

The Council's drainage engineer has assessed the content of the FRA in line with the content of the approved Outline Surface Water Drainage Strategy and subject to additional information, which can be secured by appropriately worded conditions 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 proposals are for a further phase (2a) of residential development. This development parcel falls within the Waverley Central Character area for which there is an approved Design Code. There is also a separate and overlapping design code which covers Waverley Walk key public realm area which runs through the centre of this parcel

The landscape proposal for the development has been designed in accordance with the content of these Design Codes which requires 'High quality surface materials should be used to enhance public realm and encourage pedestrian activities. Hard and soft landscaping treatment and tree planting should be used where appropriate.'

In support of the application a series of landscape plans have been submitted which show a number of heavy standard trees around the Streetside and Parkside Edges which is complimented by additional standard sized trees within the internal streets. Additional tree planting is also provided within the highway verges along Waverley Walk which is consistent with previous phases that incorporate this strategic route. Grassed areas with hedges and shrub beds are proposed around the apartment blocks to break up the car parking courts, these assist in softening the appearance of these areas.

It is acknowledged that an area of green space is located outside of the red line boundary directly to the north of plots 129 - 158. It is considered that this space will visually benefit this phase of development and is being dealt with under a separate application for infrastructure works by the Harworth Group. The detailed planting of the area will be considered as part of an application to discharge a condition attached to this application.

Around the Streetside and Parkside Edges it is proposed to use 1.2m high feature railings which is consistent with these areas to the south of the site and reflects the requirements of the Waverley Central Design Code. Other boundary treatment consists of 1.8m high brick and timber panel fences where boundaries abut a highway and 1.5m timber screen fence with 0.3m trellis on top within parking courts. The use of this allows views through and has been successful on earlier phases at Waverley.

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.

Turning to the issue of management and maintenance, there is a requirement under the outline 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 2a.

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 checklist accompanying the reserved matters application is a validation requirement and has been completed by the same consultant who prepared the ecological information for the outline application. This checklist confirms that the site has been continuously monitored for protected/notable species in accordance with the Site Biodiversity Action Plan. Surveys for breeding birds have been undertaken annually and the last survey was undertaken throughout the 2017 breeding season. Winter bird surveys were undertaken during 2015/2016 survey period. Brown hare and bat transects were undertaken during 2015 survey periods and monitoring surveys for reptiles and water vole/otter were undertaken during 2014. In addition, an ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods.

Having regard to the above, it is considered that adequate safeguards are to be put in place and sufficient information is available in the form of annual surveys which review species and habitat and as such the development is not considered to have an unacceptable impact on ecology in accordance with guidance contained within the NPPF.

Affordable Housing

The application includes the provision of 17.7% affordable housing, which is consistent with the outline consent for this phase of development (Phase 2) and equates to 39 units comprising of 18 x two bedroom apartments and 23 x three bedroom dwellings. The size, siting and tenure of the housing is acceptable and is considered to be in accordance with the Councils Affordable Housing IPS.

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.

This phase of development will result in the total amount of dwellings having detailed planning consent being 946 which will trigger the following obligations upon occupation of 915 dwellings:

- Local Equipped Area of Plan (LEAP)
- Local Area of Play (LAP)
- Youth Shelter
- Sum of £120,000 towards the cost of maintenance and improvement of 3 football pitches in Handsworth

Discussions have been ongoing between the landowner, Harworth and RMBC Planning Officers relating to the submission of a Design Brief for Highwall Park which will provide some of the obligations outline above prior to the 915 trigger point. Furthermore, a planning application is imminent for the provision of a Central Park which will accommodate the LEAP.

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, RB2015/1460 and more recently RB2017/0743 and is therefore considered to be acceptable. In addition to this, a reserved matters application (RB2017/1591) for 220 dwellings has previously been approved on this site and this application essentially amends that previous layout and introduces a more affordable house type and increased density.

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 Highfield Spring (South) Design Code whilst taking account of later phases of development.

A variety of house types and sizes have been provided with an appropriate level of affordable housing provision. The applicants have also specifically designed certain areas to create a varied street scene 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 addendum 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 submitted a landscaping proposal to accompany the application. There are no objections to the proposed planting schemes.

The applicants have indicated that they intend to provide 17.7% affordable housing units (41 in total) across this phase of the development and have indicated that these will be in the form of 2 and 3 bed units. This is in line with the approved percentage for the first phase of the wider 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. Conditions numbered 6, 8, 12 & 19 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 6, 8, 12 & 19 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.'

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.

General

Planning layout – Ref 1732.01 Rev N

Street scenes – Ref: 1732.02 Rev C

Materials Layout – Ref 1732.03 Rev C

House Types

Ashbury planning drawings – Ref: 1732.ASY.01

Cambridge Elevations and Floor Plans – Ref 1732.CAM.01

Cotham Elevations and Floor Plan – Ref 1732.COM.01

Heybridge Elevations and Floor Plan – Ref 1732.HEY.01

Kempton Elevations and Floor Plan – Ref 1732.KEN.01

Kilminster Elevations and Floor Plan – Ref 1732.KIN.01

Kilminster Elevations and Floor Plan – Ref 1732.KIN.02

Ledbury and Thirston Elevations – Ref 1732.LED-THN.01

Ledbury and Thirston Floorplans – Ref 1732.LED-THN.02

Ledbury Elevations and Floor Plans – Ref 1732.LEY.01 Rev A

Norbury Elevations and Floor Plans – Ref 1732.NOR.01

Rosebury Elevations and Floor Plans – Ref 1732.ROY.01

Thirston Elevations and Floor Plans – Ref 1732.THN.01 Rev A

Thirston Plots 189-190 Elevations and Floor Plans – Ref 1732.THN.02

Uxbridge Elevations and Floor Plans – Ref 1732.UXB.01

Weybridge Elevations and Floor Plans – Ref 1732.WEY.01

Woodbridge Elevations and Floor Plans – Ref 1732.WOO.01

Newbury Elevations and Floor Plans – Ref 1732.NEW.01

Apartments

Burford / Fairford elevations – Ref: 1732.BUD-FAD.01
Burford / Fairford floor plans – Ref: 1732.BUD-FAD.01
Burford elevations – Ref: 1732.BUD.01 Rev A
Burford floor plans – Ref: 1732.BUD.02 – Rev A
Milford Elevations – Ref 1732.MIL.01
Milford Floor Plans – Ref 1732.MIL.02
Milford Elevations – Ref 1732.MIL.03
Milford Alt Elevations – Ref 1732.MIL.Alt.01
Milford Alt Floor Plans – Ref 1732.MIL.Alt.02
Milford Alt Elevations – Ref 1732.MIL.LMB.01

Boundary Treatments

1.2m Metal Feature Railings - Ref 1732.BT.01
Post and rail fence – Ref: 1732.BT.02
1.8m Timber fence – Ref: 1732.BT.03
1.8M Wall with timber panels – Ref: 1732.BT.04
1.5m Timber fence with trellis – Ref: 1732.BT.08

Garages/Bin Store

Single Garage Elevations and Floor Plan – Ref 1732.G.01
Bin store detail – Ref: 4161-518

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 Policy 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 Planning layout – Ref 1732.01 Rev N 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.

06

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

07

All garages hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason:

In order to ensure that adequate parking provision is available and to minimise on-street parking, in the interests of visual amenity and highway safety.

DRAINAGE

08

Development shall not begin until 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, has been 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 before the development is completed. 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 to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- 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
- Responsibility for the future maintenance of drainage features.

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.

09

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, design of buildings to prevent entry of water, 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'.

10

The development shall be carried out in accordance with the details provide in the submitted Flood Risk Assessment whereby surface water will be discharged to watercourse via attenuation ponds, unless otherwise agreed in writing with the Local Planning Authority

Reason

In the interest of satisfactory and sustainable drainage

11

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage

GROUNDWATER / CONTAMINATION AND GROUND CONDITION

12

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'.

13

Installation of the gas protection measures approved as a requirement of condition 12, 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'.

14

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'.

15

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'.

16

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

ENVIRONMENTAL

17

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'.

18

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

19

Prior to the commencement of development a biodiversity mitigation statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The statement should include details of all measures given in the Waverley Ecological Checklist – Pre Work Assessment for Housing Development Phase 2a (10.10.2017) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

20

Prior to the occupation of the first dwelling a scheme outlining the provision of on-site nesting facilities for birds and roosting facilities for bats shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

21

Landscaping of those parts of the development as shown on the approved plans (Rosetta Landscape Design drawing nos. 2807/3A and 2807/4A) shall be carried out during the first available planting season after commencement of the development. 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 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'

22

Notwithstanding the details submitted on Rosetta Landscape Design drawing No 2807/2A, prior to any above ground development taking place, a revised landscape scheme shall be submitted for Waverley Walk that addresses the comments set out on the attached letter. This shall include:

- 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 maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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'

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.