

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
25<sup>TH</sup> JANUARY, 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.**

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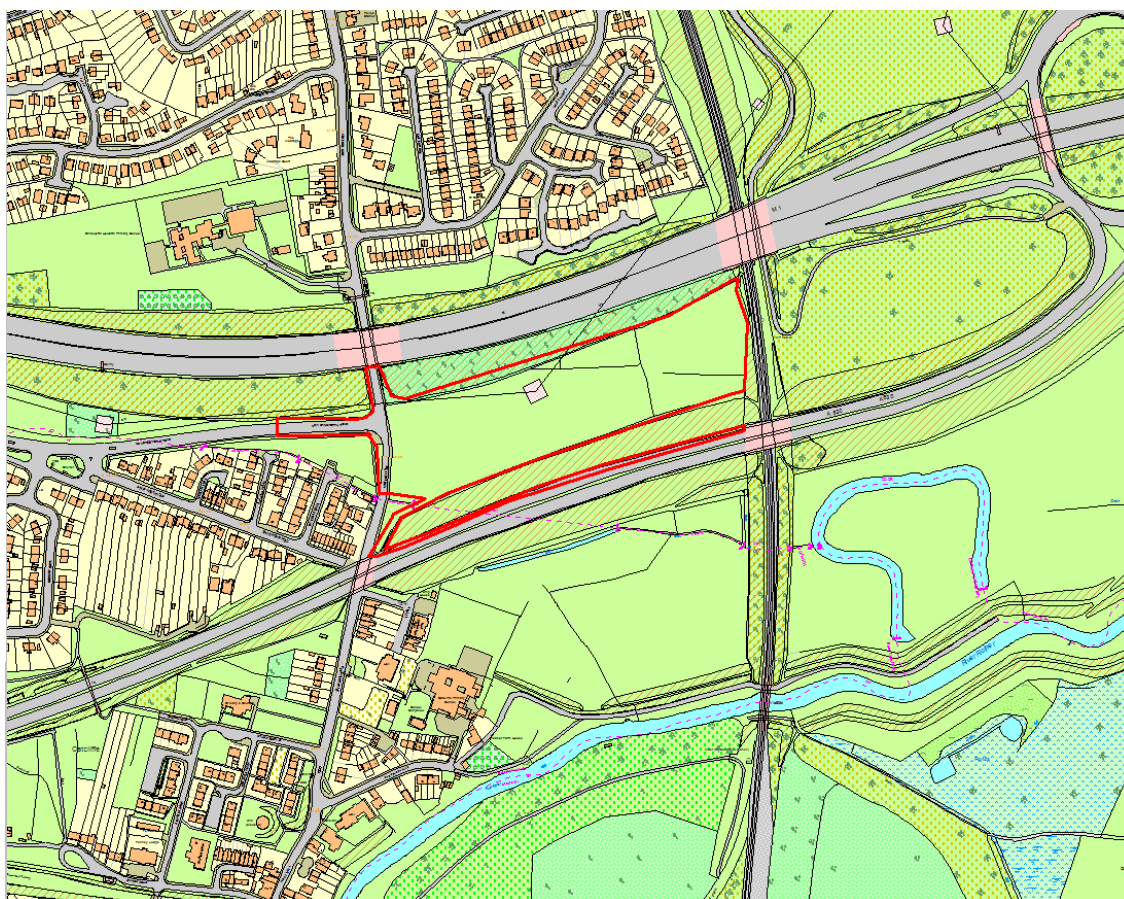
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## REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 25<sup>TH</sup> JANUARY, 2018

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	RB2016/1711
Proposal and Location	Outline application for residential development (Use Class C3) including details of access at land at Whitehill Lane, Catcliffe
Recommendation	Refuse

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major development



### Site Description & Location

The site is located to the east of Whitehall Lane, opposite the junction with New Brinsworth Road, immediately to the east of the site is a railway line, primarily used for freight. To the north of the site is the M1 Motorway and to the south of the site is the Sheffield Parkway (A630). To the west of the site on the opposite side of Whitehall Lane are residential properties that form part of Catcliffe, which straddles the Sheffield Parkway.

The site sits between and below the M1 and the Sheffield Parkway, the site is approximately 17m below the level of the M1 and approximately 12m below the level of the Sheffield Parkway. The level change is taken up by banking to both the M1 and Sheffield Parkway which is approximately 28m in width both sides of the site.

The site increases in level from east to west, the increase is approximately 3m over a distance of around 340m, the gradient is therefore 1 in 113, across the length of the site, a very minimal gradient.

There is an electric pylon located within the site with associated overhead cables.

The overall site area is approximately 3.2 hectares.

## **Background**

RH1964/4454 - Tipping of industrial waste – Granted – Appears not to have been implemented.

RB1986/0532 - Construction of railway siding to serve existing tipping site - GRANTED CONDITIONALLY

RB1986/0608 - Construction of new access to site from Whitehill Lane Brinsworth – REFUSED. Reason 2 states: “The development would be detrimental to the visual amenity of the locality generally and to residential properties to the west in particular. The site forms a small, but pleasant and valuable rural break in an otherwise largely urbanised area...”.

Screening opinion – The site area does not exceed 5 hectares and as such no screening opinion is required.

CIL - The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

## **Proposal**

The application seeks outline planning permission for residential development (Use Class C3) with all matters reserved except means of access. Details of layout, scale, appearance, and landscaping would be submitted later at the reserved matters stage.

An illustrative plan is submitted which shows 87 dwellings on the developable area of the site, which amounts to approximately 2.55ha. This has since been reduced to 85 dwellings. The development would comprise a mix of houses together with public open space and structural planting.

The proposed vehicular and pedestrian access to the site are from Whitehill Lane to the west. There is an existing access north of the mini roundabout. Vehicle access to the site is proposed from the existing Whitehill Lane/ New Brinsworth Road roundabout, which would be enlarged with a newly introduced eastern arm to allow for access to and egress from the site.

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

### Planning Statement

Which sets out the applicants view that:-

- The application site is a suitable location for residential development in a sustainable location, in which the surrounding area predominantly comprises residential properties.
- The council cannot currently demonstrate a five year housing land supply and therefore its policies relating to the supply housing should be considered out of date in accordance with the NPPF.
- The application site is a suitable and available site, which could help to address the housing need. Indeed the application site is less sensitive than sites proposed to be allocated including land to the south of Wood Lane at Treeton (H57) which is currently located in the Green Belt.
- The site is allocated for green space in the existing and emerging Local Plan. However, it currently provides no usable purpose and its development would facilitate its access to the public.
- There are no technical matters which would prevent the residential development of the site.
- The site is suitable for the proposed residential use and there are no other material considerations to preclude the granting of planning permission.

### Design and Access Statement

- Although the design and layout are subject to subsequent reserved matters applications, the design and layout shown on the indicative masterplan have been developed to illustrate that a layout that functions well for the required use and adds to the overall quality of the area could be proposed for the site.
- The position and orientation of the dwellings, the vehicular and pedestrian links, and the proposed landscaping have been designed to create an attractive environment working with the constraints and context of the site.
- The design shows that a legible and safe scheme could be proposed on the site. The treatment of the perimeter of the site could be developed so not to encourage crime. The layout, dwellings and landscaping could be designed not to provide any hidden areas, or areas that do not benefit from natural surveillance and therefore could encourage anti-social behaviour.

### Air Quality Assessment

- Passive monitoring of NO<sub>2</sub> concentrations at the proposed Whitehill Lane site was undertaken over a 3-month period in order to provide an assessment of baseline air quality in the vicinity of the development. This was to determine site-specific baseline annual mean NO<sub>2</sub> concentrations to assess the suitability of the site for residential development.

- Monitored period mean NO<sub>2</sub> concentrations were bias corrected and adjusted to a corresponding annual mean concentration in accordance with LAQM.TG(16).
- Utilising a locally derived bias adjustment factor, NO<sub>2</sub> concentrations illustrate compliance with the annual mean AQO at all monitoring locations. Therefore, based upon the results of the monitoring survey, baseline ambient concentrations are below the NO<sub>2</sub> annual mean AQO at all locations at the proposed site. Analysis of trends in annual mean NO<sub>2</sub> concentrations between 2013 and 2015 indicates that no significant increases have occurred in the location of the Rotherham AQMA 1 - Part1 (NO<sub>2</sub>). As such, calculated annual mean concentrations as part of the site-specific air quality monitoring undertaken in 2013 are considered to remain relevant and comparable to those anticipated to current baseline concentrations.
- This updated Air Quality Monitoring Summary has concluded that the operation of the Smart Motorway is unlikely to significantly impact upon predicted concentrations on the development site. No additional stand-off distance is required to off-set potential concentration increases.

As such, annual mean NO<sub>2</sub> concentrations are not considered to represent a constraint to the site for residential development.

#### Preliminary Ecology Appraisal

- The Site supports a small range of typical species-poor habitats, none of which should be considered to represent significant constraints to development.
- Hedgerows are listed as habitats of principle importance under Section 41 of the NERC Act 2006, and as such, these should be retained or else suitably compensated through new high quality planting.
- A single patch of Japanese knotweed has been found growing on Site. This plant should be removed by a suitably licensed contractor.

#### Flood Risk and Drainage Assessment

- The site does not lie wholly within an area shown on flood maps as at risk of flooding although, a small part of the south east boundary is in Flood Zone 2 and is susceptible to flooding from surface water. This is considered a medium risk and can be mitigated by raising ground levels locally.
- Infiltration testing has not been carried out at this stage but is recommended as part of further ground investigations. It is assumed, for the purposes of this FRA that soakaways will not be viable on the site.
- Surface water discharge to either the watercourse or to the public sewer will require further investigation and agreement with Local Authority and Yorkshire Water.
- Surface water attenuation storage will be provided in above-ground in swales, ponds, detention basin or below ground in tanks or pipes. Attenuation structures

will be provided within public open space and sized for the 1 in 100 year rainfall event (plus 30% Climate change).

- It is unlikely that the site will drain by gravity to the public sewers and foul and surface water pumping may be required
- The level of risk and safeguards available are considered appropriate to this class of development.

### Noise Assessment

- The assessment has considered the suitability of the site for residential development in relation to noise at assumed receptor locations within the site.
- The assessment concluded that the site is suitable for residential dwellings, subject to the provision of enhanced glazing and ventilation measures.
- Using the recommended sound insulation performances detailed in Table 5.1 for assessment purposes would achieve the 30dB LAeq,8hr internal night time noise level in bedrooms and the 35 dB LAeq,16hr internal daytime noise level in living rooms and resting spaces in dwellings. An enhancement to these performances was proposed in order to adequately address internal L<sub>Amax</sub> noise levels within bedrooms. It was concluded that openable windows cannot be relied upon as a suitable means of rapid ventilation for proposed dwellings while protecting the amenity of the residents and meeting the BS8233 LAeq,T and L<sub>Amax</sub> criteria. An additional, alternative means of ventilation (acoustically rated trickle vents) was recommended.
- Noise levels within external amenity spaces were assessed against WHO and BS8233 criteria and were expected to be within the upper threshold of 55dB LAeq,16h within the vast majority of the site following the inclusion of noise barriers. For one property at the eastern extent of the site it was noted that the majority (over c90%) of the property's garden was within the threshold with a very small area of the garden between 55 and 56dB; it was also noted that BS8233:2014 allows scope for the relaxation of these threshold levels for city centre and urban sites with good links to the strategic transport network where development is desirable for other reasons such as the efficient use of land resources.
- The detailed calculation procedure presented in Section G.2 of BS8233:2014 should be carried out at the detailed design stage to ensure that the sound insulation of the building envelope is adequate to protect the amenity of future residential receptors and will meet the BS8233:2014 LAeq and L<sub>Amax</sub> criteria.

### Transport Assessment

- The development site is in a highly sustainable location, and a masterplan has been developed which illustrates how the site can be integrated with the surrounding area and encourage travel by sustainable modes. The development proposals would not have a detrimental impact upon either the operation or safety of the local highway network.

- Therefore based upon the findings of the Transport Assessment it is concluded that the proposed development fully accords with the Council's Core Strategy, including Policy CS 14.
- The National Planning Policy Framework states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- This report has demonstrated that the residual cumulative impacts of the proposed development would not be severe, and therefore in accordance with NPPF guidance there are no reasons why the planning application should be refused on highway or transportation grounds.

### Landscape and Visual Impact Study

- The site is segregated from wider rural landscape character and is afforded significant screening by the transport infrastructure immediately adjacent to its northern, eastern and southern boundaries, relating mostly to existing residential areas to the south of New Brinsworth Road. Although a remnant of wider agricultural land now surrounded by urban land uses, the proposed development is not considered to impact adversely upon landscape character or visual amenity and it is considered that the development would be well assimilated into the receiving landscape context.

### **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) 1999, (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 Urban Greenspace purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Green Space' purposes on the Policies Map (Sheet 2). 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'  
 CS3 'Location of New Development'  
 CS6 'Meeting the Housing Requirement'  
 CS7 'Housing Mix and Affordability'  
 CS19 'Green Infrastructure'  
 CS20 'Biodiversity and Geodiversity,'  
 CS21 'Landscape'  
 CS22 'Green Space'  
 CS25 'Dealing with Flood Risk'  
 CS27 'Community Health and Safety'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'  
HG5 'The Residential Environment'  
ENV3.4 'Trees, Woodlands and Hedgerows'  
ENV3.7 'Development and Pollution'  
ENV5.1 'Allocated Urban Greenspace'

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

SP1 'Sites Allocated for Development'  
SP35 'Green Infrastructure and Landscape'.  
SP40 'New and Improvements to Existing Green Space'  
SP41 'Protecting Green Space'  
SP55 'Pollution Control'  
SP70 'Utilities Infrastructure'

### **Other Material Considerations**

Supplementary Planning Guidance, Housing Guidance 4: 'Requirements for greenspace in new housing areas'

Section 106 (S.106) of the Town and Country Planning Act 1990 - Education Contributions Policy'

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

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

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

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

The emerging policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy. Clearly the weight that is given to emerging policies depends on the progress they have made through the examination process. Where policies have been examined and either no modifications have been proposed or the Inspector has identified necessary modifications, the policies are entitled to substantial weight given that they flow from the debate at the examination and are in practice unlikely to change following the Main Modifications consultation.



The proposed Main Modifications were approved by the Council on 11 December 2017. Consultation on the Main Modifications begins 8 January 2018 and the Inspector's final report is expected in April/May 2018, with full adoption of the Local Plan by the Council in July 2018.

## **Publicity**

The application has been advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. 2 letters of objection have been received and one letter of support has been received from the Catcliffe Parish Council.

The objectors state that:

- The site is located in a high pollution zone, in a low lying area surrounded on all sides, therefore it acts as a natural "sink" for the pollution to settle into. As the site is surrounded by the large embankments of the M1 and Parkway it will remain relatively sheltered from the wind and will therefore allow pollution levels to sit there and build up.
- The site is within a possible flood plain for the River Rother.
- The area is at risk of increased flooding and the absorption of rainfall will be lost and run off will make its way quicker to the river.
- The local area already suffers from a severe lack of school places.
- Local infrastructure is under a lot of strain already, especially with the Waverly development.
- The roundabout is unsafe for further development and often sees accidents.

Catcliffe Parish Council supporting letter merely states that they support the scheme.

## **Consultations**

RMBC - Transportation and Highways: Considers that the Safety Audit submitted in support of the application regarding the proposed roundabout is satisfactory and there are no objections in principle to the proposal subject to relevant conditions.

RMBC Landscape: There are no significant concerns from a landscape or visual point of view. There are concerns over the amenity and environment of prospective future residents of the site being so close to three major transport infrastructure corridors, this and the principle of development on a site which is currently Urban Greenspace will need to be carefully considered.

RMBC (Drainage): No objections subject to relevant informative.

RMBC Environmental Health (Noise): Notes that the land is bordered on the north by the M1 motorway and a railway line on the southern side which appears to be exclusively used for freight and in the noise report (page 16) 'the examination of the noise data shows that there were 11 occasions during the night-time period where the  $L_{Amax}$  noise level was heightened and these occasions corresponded to a heightened  $L_{Aeq,5min}$ . It is considered likely that these heightened noise levels were due to trains passing and it is reasonable to assume that the data captured during the monitoring period is representative of typical conditions'.

To the southern boundary of the site is the A630 which is a major dual carriageway which runs between the city of Sheffield and junction 33 of the M1 motorway in South Yorkshire. Currently there are plans to widen the busy road for 1 mile from its junction with the M1. To the western side of the land is Whitehill Lane, Brinsworth.

Concern is raised that to achieve the internal levels within the WHO and BS8233:2014 the windows to the properties and flats will have to be closed with the provision of acoustic ventilation (as set out in the submitted noise report). This means that acoustic ventilation will be required to provide effective ventilation without the transfer of external noise. With the installation of acoustic ventilation, this may be acceptable to the resident for some of the time but when additional, natural ventilation is required to moderate internal temperatures, internal humidity, replenish oxygen and to remove 'stale air' and replace it with fresh air, the WHO and BS4142 2014 internal noise levels will not be achievable. It is a natural action to open a window during the day or at night when it is warm and/or humid. Opening a window allows any occupiers to create air movement which improves their comfort and also aides an acceptable sleeping environment. Disturbed or interrupted sleep can have long term health effects both physically and mentally.

This is not a town centre location where you could potentially expect the future occupants to rely on acoustic ventilation in achieving the internal noise levels but the land is allocated Urban Greenspace and is a suburb of Rotherham where you would expect a householder to regularly open their windows during the day and at night without significant disturbance from any external noise source.

Environmental Health has limited powers to deal with road traffic noise under the Environmental Protection Act 1990. If a future occupant moves into one of the dwellings then there is no remit for them to complain to the Council. Road traffic noise is the biggest cause of pollution in the UK and is not improving. Sudden or sharp noise peaks can be as or more annoying than overall noise levels, especially at night when they disturb sleep.

As such, whilst the proposed development demonstrates that internal noise levels can be achieved, it would provide a poor general environment for future occupiers of the properties on the site, and Environmental Health would wish this to be taken into account in the determination of the application.

RMBC Environmental Health (Air Quality): The consultants carried out air quality monitoring during 2013 on the site as part of the air quality assessment. They set up monitoring on transects across the site so that they could establish which parts of the site experience elevated levels of air pollution and therefore are not suitable for residential development. This has informed the design and layout of the proposed development and the applicant proposes a separation distance from sources of air pollution (M1) to the receptors (dwellings).

On this basis, it is recommended in the report that a stand-off distance of 30m be provided between the nearest dwelling and the M1 motorway, calculated from the eastern-most extent of the development site boundary to the M1 carriageway. No residential dwellings should be sited within this 30m buffer zone. If planning permission was to be granted in the future, this would require a planning condition.

Public Health: Considers that this development does not provide a healthy environment. Whilst mitigation may be put in place to lessen the impact of the primary concerns of air and noise pollution it does not remove all risk to health, particularly amongst the most vulnerable. It is important to consider a holistic view of health and to promote an environment that is conducive to active play, recreation, relaxation and social integration. This site will need significant mitigation to lessen the impact of air and noise pollution and these mitigations themselves inhibit the creation of a safe and healthy environment.

RMBC Environmental Health (Land Contamination): The application site could be affected by contamination and for this reason site intrusive investigation works should be undertaken to assess for the presence and extent of contamination to confirm the potential risks to the end uses of the site.

RMBC Green Spaces Manager: Notes that draft policy SP40 in the Sites and Policies document states that “development schemes of 36 dwellings or more should normally provide 55 square metres of green space per dwelling on site where necessary to ensure that all new homes are within 280 metres of a green space....”. On that basis, there should be a minimum of 4,785 square metres of green space. The area of open space shown on the indicative masterplan appears to be larger than this. However, the presence of overhead power lines and a pylon detract from the area, and the applicant would need to demonstrate how the land would be laid out and managed to make it suitable for play and recreation. The Council would not be able to adopt the open space.

RMBC - Ecology: The ecological appraisal results are supported and the mitigation and enhancement measures are acceptable in principle. Further detail is required to ensure opportunities are maximised and that appropriate long-term management can be implemented, which can be addressed by way of planning condition.

RMBC - Affordable Housing Manager: Recommends 25% affordable housing on site, with a mixture of dwellings sizes and tenure types, in accordance with the Core Strategy Policy CS7 ‘Housing Mix and Affordability’.

RMBC - Education Service: Whilst the CIL 123 list does not include any Primary Schools in the Catcliffe/Treeton/Orgreave areas, the development of the Urban Greenspace site has not been assessed for residential development by Education and the potential pupil generation from the site would warrant a S106 contribution. Based on the ‘Section 106 (S.106) of the Town and Country Planning Act 1990 - Education Contributions Policy’, requests an education contribution of £2,342 per dwelling towards improvements to Local Primary Schools.

Yorkshire Water: No objections subject to relevant conditions.

South Yorkshire Archaeology Service: Unlikely that any archaeological interest would survive on this site between the M1 and the Sheffield Parkway and confirms that there are no archaeological issues and no archaeological provision is required, should consent be granted.

SYPT: Raise no objections.

Environment Agency: No objections or comments to make regarding flood risk associated with the flood zones or the River Rother. Note that the submitted FRA for this planning application indicates some matters of concern regarding the ordinary watercourse system, such as a potential 'build-over' of a culvert, and drainage matters that will need to be resolved with the LLFA, prior to approval of the site layout.

Highways England: No objections.

National Grid: Has no objections to the proposal which is in close proximity to a High Voltage Transmission Overhead Line.

South Yorkshire Police: No objections subject to relevant conditions.

## **Appraisal**

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

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

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

The main considerations in the determination of this application are:

- Principle of development
- Noise, Air Quality and general amenity issues
- Provision of open space on site
- Highway issues
- Flood risk and drainage
- Ecology/biodiversity matters
- Landscaping/tree matters
- Impact on existing/proposed residents.
- Planning obligations

### Principle of development:

The site is allocated for Urban Greenspace purposes in the adopted UDP and as Green Space (the nomenclature has changed) in the Publication Sites and Policies Document 2015. Paragraph 14 to the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.”

Saved UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ states that: “Development that results in the loss of Urban Greenspace as identified on the Proposals Map (subsisting) will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest.”

Core Strategy Policy CS19 ‘Green Infrastructure’ notes that green infrastructure is defined as a network of multi-functional green space which supports the natural process and is integral to the health and quality of life of sustainable communities. Green space is defined to mean breaks in the urban environment formed by open areas. Green infrastructure spaces include natural green spaces.

Core Strategy Policy CS22 ‘Green Space’ states that:

“The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected.

Rotherham’s green spaces will be protected, managed, enhanced and created by:

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development.
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required.
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development.
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development.
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
  - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
  - ii. Creating or extending green links where feasible as part of green space provision in new developments.”

The land in question forms a break between the Sheffield Parkway and the M1 Motorway and is not accessible to the general public. Firstly in terms of UDP Policy

ENV5.1 the key consideration is whether the proposal would enhance the local urban green space provision. The use of the word 'enhance' manifestly implies that the policy can be satisfied through a qualitative improvement in provision.

The proposal would result in approximately 0.9 hectares of the site area being retained as green space but would lead to an improvement in the value and usability of that retained land as Urban Greenspace and exceeds the requirement for a housing development of this scale (as set out in the following section on Green Space provision). Although the existing Greenspace is not currently accessible to the general public the provision within this application would provide accessible Urban Greenspace supported by long term management and maintenance which could be secured through a legal agreement, though the Councils Greenspace manager has expressed concern that this would be located under existing power lines and accommodates a pylon so is of limited value.

A Green Space Assessment was prepared and submitted to the Local Plan Inspector, February 2017. The assessment was undertaken of all Green Space in the Borough greater than 0.4 hectares. The current application site is within a wider area of Green Space and the Council does not propose to change the Green Space allocation in this location following this Assessment, nor has the Inspector requested the Council to do so in the Main Modifications to the Local Plan.

In his letter of 10<sup>th</sup> March 2017 the Inspector requested the Council to re-word Policy SP41 'Protecting Green Space' to reflect the approach inherent in paragraph 74 of the NPPF so as to "ensure an effective policy that is consistent with national policy." Main Modification (MM30) re-words policy SP41 accordingly. Policy SP41 'Protecting Green Space' of the Sites and Policies Local Plan as modified should be given substantial weight in consideration of this application. The policy states:

"Existing Green Space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless:

- a. An assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect the existing and potential Green Space needs of the local community. The assessment will consider the availability of sports pitches, children's play areas and allotment provision, to determine existing deficits and areas for improvement; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. The development is for alternative sports and recreational provision and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss.

These criteria will not apply to Green Space that performs an irreplaceable amenity or buffer function. These sites will be protected from future development as it is considered that their loss cannot be compensated for given the location, purpose and function of the allocation.

Development proposals will be required to demonstrate how any likely negative impact on the amenity, ecological value and functionality of adjacent Green Space and other Green Infrastructure within the immediate vicinity has been mitigated...."

Table 12 in the supporting text to the Policy sets out a list of 'Greenspaces performing an amenity or location specific buffer function' which includes "Land along the M1/ A630 Parkway corridors at Catcliffe / Brinsworth".

As such the applicant should demonstrate that this site does not perform an amenity buffer function, preventing inappropriate development, and that it does not have public value as a site of open space. This has not been demonstrated.

Therefore the proposed development does not comply with the Policy SP41 which protects the buffer function of Green Space as set out in the publication Sites and Policies Document. Its purpose is to break up development and act as a lung so it is less important that the land is not publicly accessible and is not great quality. It is there to provide a break between the various elements of infrastructure in the area and the development around it. On this basis, replacement with smaller but better quality green space does not address the objectives of the Policy and the applicant has not demonstrated why the development of this land overrides the necessity to retain the Green Space.

The applicant has referred to the lack of a 5 year supply of housing land to support this application however this is not considered to form the exceptional circumstances required to overcome the policy which protects the Green Space. In this respect, the Council, at March 2017, could demonstrate a 4.8 year supply of housing and once the Local Plan is adopted in Summer 2018 it is anticipated that it will be able to demonstrate the required 5 year supply of housing. The current lack of a 5 year supply of housing means that policies for the supply of housing are considered out of date. However, the Core Strategy Green Space / Green Infrastructure policies referred to above are not out of date and can be given full weight and the emerging Green Space Policy in the emerging Sites and Policies Local Plan can be given substantial weight. The site was put forward as a development site as part of the Local Plan process and considered by the Inspector at the Examination in Public in 2016 but discounted as a residential allocation on the grounds that:

"It is considered appropriate to retain the site's existing urban greenspace allocation as it is located within an Air Quality Management Area. Furthermore, power cables dissect the site and a pylon is found within the site. The site's locational context with it being bounded on by the Sheffield Parkway, the M1 motorway and a railway line also serve to justify this stance as there are serious concerns regarding the noise levels likely on site arising from the juxtaposition of the Parkway and the M1 motorway and the overpowering nature of this significant transport infrastructure on the site it provides an important amenity buffer to major transport infrastructure. The site does not relate well to the existing built form and would negatively impact on the character of the settlement. The site was rated amber in the surface water flooding assessment. Overall it is considered that development on this site would be unsustainable and it is proposed to retain as Urban Greenspace."

In view of the above it is considered that the scheme is contrary to emerging Policy SP41 'Protecting Green Space' of the Sites and Policies Local Plan, which should be given substantial weight as part of the consideration process.

Policy CS1 (Delivering Rotherham's Spatial Strategy) determines that Catcliffe, Treeton and Orgreave settlement grouping is a local service centre where development will be

appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community. The emerging Sites and Policies Local Plan has allocated appropriate sites for development such that the additional houses provided under this development proposal are not required.

#### Noise, Air Quality and general amenity issues

'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...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."

Core Strategy Policy CS 27 'Community Health and Safety' states that: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments.

Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.

New development should be appropriate and suitable for its location. Proposals will be required to consider the following factors in locating and designing new development:

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability
- b. Public safety and health risks directly arising from in-situ operations, past mining activity, and/ or from potential indirect or cumulative impacts on surrounding areas, sensitive land uses, and the maintenance of healthy functioning ecosystems.
- c. The impact of existing sources of pollution and the potential for remedial measures to address problems of contamination, land stability or air quality.
- d. Potential adverse effects of additional development near to hazardous installations and upon Air Quality Management Areas".

SP 55 'Pollution Control' of the emerging Sites and Policies Local Plan states that: "Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to:

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.



c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan”.

Paragraph 17 of the NPPF sets out the core planning principles and states: “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:

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

Paragraph 109 of the NPPF states that: “The planning system should contribute to and enhance the natural and local environment by: ...

- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.”

Paragraph 123 of the NPPF states: “Planning policies and 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...”

Planning Practice Guidance Noise States in Paragraph 003 that: “Local planning authorities’ plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved”.

At Paragraph 008 the guidance goes on to state that: “the adverse effects of noise can be mitigated by either:

- Engineering
- Layout
- Use of planning conditions/obligations
- Mitigation”.

Planning Practice Guidance Air Quality Paragraph: 005 states that: “When deciding whether air quality is relevant to a planning application, considerations could include whether the development would...

- Expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor air quality”.

Neighbourhoods (Environmental Health) have stated that any future occupiers will be affected by the noise from the nearby busy Sheffield Parkway and M1 Motorway. The site is noisy in nature because of its location and this is demonstrated by the noise levels that were recorded and the fact that the applicant target levels can only be achieved with windows closed and passive ventilation systems installed.

Many of the noise issues in terms of internal noise and garden noise can only be fully considered as part of a reserved matters application. The indicative layout with the dwellings and flats does demonstrate that a residential layout is achievable on site which could mitigate noise concerns, with all dwellings achieving acceptable rear garden noise levels.

However, the assessment made by the Council is based on an unusual amount of detail for this stage of the process. This level of detail was submitted to prove that it was possible, if a specific layout be adopted, for acoustic models to show that the World Health Organisation (WHO) guidelines for community noise could be achieved. Other configurations would not conform. At this stage in the planning process it is important to note that any future detailed application would have to adopt a similar configuration including the 30m buffer zone of undeveloped land to be compliant.

In order to achieve the WHO guidance figure for noise, the acoustic modelling has indicated that residents' windows could not be opened and ventilation would be by means of acoustic ventilation vents. It also requires a specific orientation of any habitable rooms. Compliance with external noise levels guidance for gardens is only achieved by placing apartments, which have no gardens, at the eastern part of the site. Though the apartments have no gardens, and so are outside the guidance, the amenity land around the apartments which may be used by residents would exceed the sound level guidelines for gardens.

In considering the suitability of this site for residential development, the Council has to consider the amenity value of the development. If the final development is constructed in a specific configuration and to exacting standards of construction it can be shown, by modelling, to comply with noise criteria though it would present specific limitations on potential residents, not experienced on residential developments in other locations.

With regard to air quality the site falls within an Air Quality Management Zone and the submitted air quality impact document states that the impact from the development is 'not significant'. A number of mitigation measures on site are proposed to reduce air pollution, caused by the development. In addition the indicative site layout has been designed to ensure that dwellings are set 30m off the boundary of the M1 and The Parkway to ensure that future residents are not exposed to high levels of air pollution.

However, this site is within an Air Quality Management Zone and the Council accepts that there may need to be limited development within designated AQMZ's specifically within the town centre and other urban areas, wherein the conditions associated with poor air quality may be capable of mitigation through traffic management measures or other actions. However designation as an AQMZ, has been a limiting factor in determining which sites should be allocated for development in the emerging Sites and Policies local Plan (as set out in the Integrated Impact Assessment). The Sustainability Appraisal of all sites (Stage 2) and the Stage 3 allocation of sites clarifies that Air Quality is a factor that has been used to determine residential site allocations:

- "Air Quality Management Area (AQMA) (24 sites (*score red*)): the designation does not create an automatic exclusion, but it should be a serious consideration in the selection of allocations and any future development proposals, as there are significant health implications of developing where air quality objectives are already breached."

The Council's Public Health department have assessed the site and raised overall concerns that whilst the submitted noise and air quality reports demonstrate mitigation measures to overcome the harm the resulting residential development would be severely compromised and not conducive to a healthy environment. Primarily Public Health note that the windows to dwellings would need to be closed to achieve

acceptable noise levels, which would be detrimental to the enjoyment and amenity of future occupiers especially during summer months. In addition the resulting greenspace would not be attractive for recreational use due to its exposure to noise and air quality pollution to the detriment of future occupiers.

Policy SP 70 'Utilities Infrastructure' of the Sites and Policies Local Plan states that: "The Council will seek to ensure the efficient provision of gas, water, drainage, electricity and telecommunication services which avoid or, where this is not possible, minimise any adverse landscape and environmental impacts.

In granting planning permission, the Council, in consultation with utility companies, will require that development proposals take into account any existing and new service infrastructure requirements, together with associated apparatus, installations and operational land and the need for access for maintenance and repair purposes.

Proposals for development close to overhead power lines should take into account the effect of the transmission towers and cables in the vicinity of the site on the amenity of the occupiers of the proposed development."

The supporting text adds that: "Pylons and cables inevitably have an impact on the visual amenity of their surroundings. In particular dwellings located close to power lines, could be dominated by them and views from the properties significantly impaired. Further, under certain conditions some power lines emit noises that could harm the amenity of those occupying development nearby. The Council will therefore ensure that new development proposals take full account of overhead power lines and their associated infrastructure."

With this in mind, it is noted that the outlook from future dwellings would be far from ideal with oppressive structures such as a large overhead pylon and as it sits at a lower level than the adjacent two roads (M1 and A630 Parkway), facing the motorway embankment and motorway gantry, as well as a railway line. The combination of these structures would create a harsh environment and offer little potential for the creation of pleasant well designed layout at the reserved matters stage, with areas of open space heavily compromised by the structures listed above.

The resulting development would therefore not create a healthy community, with limited community interaction and the potential for further noise and air quality concerns from the proposed Motorway Service Station to the east of the site (the Council is considering a current application for this development – reference RB2017/1347).

As such it is considered that the proposals would not provide an acceptable level amenity for future residents, with the resulting combination of noise and air quality concerns, as well as the general issues of poor outlook and the presence of the overhead power lines, resulting in a significant adverse impact upon amenity of future residents. As such the proposal is contrary to 'saved' Policy ENV3.7 of the Rotherham Unitary Development Plan, Policy CS27 'Community Health and Safety' of the Core Strategy, Policy SP 55 'Pollution Control' of the emerging Sites and Policies Local Plan, and paragraph 17 of the NPPF which states that Council's should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings", as well as paragraph 123 of the NPPF.

#### Provision of open space on site

Core Strategy Policy CS22 'Green Space' states that: "The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham's green spaces will be protected, managed, enhanced and created by:

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
  - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
  - ii. Creating or extending green links where feasible as part of green space provision in new developments."

The UDP Supplementary Housing Guidance 4: 'Requirements for greenspace in new housing areas' requires 20sqm of Greenspace per dwelling (where proposal relates to provision of between 50-100 dwellings). In this instance that would amount to a maximum of 1,700sqm (85 dwellings).

Policy CS22 refers to detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required. The supporting text notes that informal open space can include (amongst other things) "accessible countryside in urban fringe and rural areas – including woodlands." Policy SP40 of the Sites and Policies document (September 2015) requires 55sqm per dwelling (24sqm per person). For 85 dwellings it would suggest a requirement of around 4,675sqm of open space.

The application is in outline form and the detailed provision of open space would be considered at the reserved matters stage, however the indicative plan indicates greenspace of approximately 9,000sqm, in excess of the above policies. Whilst the greenspace provision is of an adequate quantity, the quality of the greenspace will be limited due to the position of the electricity pylon and the noisy environment in excess of 55db. The greenspace areas will therefore be rather compromised and act more like buffer landscaping.

## Highways issues

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.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

The NPPF further notes at paragraph 32 that: "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

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."

The proposed development is predicted to generate some 53 No. two-way vehicle trips during the AM peak hour and some 50 No. two way vehicle trips during the PM peak hour. The impact of this additional traffic on the highway network has been assessed for a scenario of 5 years post submission of the application. This assessment indicates that the Bawtry Road/Whitehill Lane priority junction will experience a slight reduction in operational performance during the PM peak hour, equating to an additional 3 No. cars queuing to turn left out of the junction and 1No. queuing to turn right. This increase will not have a material impact upon the overall operation of the junction. The Whitehill Lane/Treeton Lane/Main Street roundabout is also expected to experience a slight reduction in capacity during the PM peak hour in 2021. The New Brinsworth Road/Whitehill Lane roundabout experiences significant delay in the PM peak hour and this would be exacerbated by background traffic growth and the development traffic in 2021. The current application therefore proposes the upgrade of this mini roundabout to provide a 28metre diameter roundabout including an additional arm to serve the proposed development. The TA demonstrates that all arms of the proposed roundabout will operate within capacity under 2021 conditions.

The site benefits from a comprehensive pedestrian infrastructure in the vicinity of the site and is accessible by bicycle. Bus stops in Whitehill Lane are within a short walk of the site and provide frequent services to key destinations. Train stations are at

Meadowhall Interchange and Rotherham Central. In this instance, and bearing in mind the proximity of bus services, a S106 Agreement to fund sustainable transport measures (possibly TravelMaster passes) is recommended.

Finally the Safety Audit submitted in support of the application is accepted by the Council.

It is considered that the development is sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel' and paragraphs 32 and 34 of the NPPF.

### Flood Risk and Drainage

Policy CS25 'Dealing with Flood Risk,' notes that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. In addition CS25 notes that proposals should demonstrate that development has been directed to areas at the lowest probability of flooding by demonstrating compliance with the sequential approach i.e. wholly within flood risk zone 1, and further encouraging the removal of culverting. Building over a culvert or culverting of watercourses will only be permitted where it can be demonstrated that it is necessary.

The NPPF notes that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

The site does not lie wholly within an area shown on flood maps as at risk of flooding although, a small part of the south east boundary is in Flood Zone 2 and is susceptible to flooding from surface water. This is considered a medium risk and can be mitigated by raising ground levels locally. The Council's Drainage Officer has concerns as to how the water will be discharged from the site close to the Sheffield Parkway, however this could be considered in more detail at the reserved matters stage and there are no in principle objections.

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

### Ecology/Biodiversity matters

In assessing these issues, Policy CS20 'Biodiversity and Geodiversity,' notes that the Council will conserve and enhance Rotherham's natural environment and that resources will be protected with priority being given to (amongst others) 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.

The NPPF further advises at paragraph 118 that: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- opportunities to incorporate biodiversity in and around developments should be encouraged.”

The Council accepts the key findings of the ecology report and suggest that these are conditioned where possible. These are (1) creation of new hedgerow(s) to replace the hedgerows that will be lost; (2) protection of trees on the embankments from damage during construction; (3) zero or minimal light spillage on to the embankments; and (4) removal of Japanese knotweed. Ecological enhancement should be implemented along the lines suggested by the report.

With this in mind it is considered that the proposals accord with the relevant biodiversity policies and guidance of the NPPF and Policy CS20 subject to the imposition of a condition requiring the submission of a biodiversity enhancement statement.

#### Tree matters:

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

The application site does not contain any trees, although trees are present on the adjoining highway embankments. As such the proposal will not result in the loss of any mature trees and the proposed dwellings and gardens will not be excessively overshadowed. An existing historic hedgerow will be removed as part of the scheme, although this cannot be retained as part of the scheme and the detailed plans will have to demonstrate mitigation planting.

In view of the above it is considered that the proposals accords with CS21 ‘Landscapes’.

#### Impact on existing/proposed residents

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the Council’s adopted SPG ‘Housing Guidance 3: Residential infill plots’ which sets out the Council’s adopted inter-house spacing standards. The guidance states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

Further to the above the NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The applicant has submitted an indicative layout showing that 85 dwellings could be provided on site, without harming the amenity of neighbouring residents across Whitehill Lane. The nature of this standalone site means that the new dwellings will not create any overlooking or appear overbearing to neighbours. As such a proposed any reserved matters application could comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the SYRDG and that contained in the NPPF.

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 77sqm for 3 bed properties and 93sqm for 4 bed properties. No house type plans have been submitted, however the plots are large enough to accommodate appropriate sized dwelling with rear gardens at or beyond 60sqm minimum recommend by the Council. Notwithstanding the Council's concerns relating to general amenity issues set out in the above sections, the site has a potential to accommodate adequate housing subject to a reserved matters application.

Having regard to the above it is considered that the proposed indicative layout is in accordance with the guidance outlined in the SYRDG and Council's SPG 'Housing Guidance 3: Residential Infill Plots'.

### Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development."

All of the tests must be complied with and the planning application must be reasonable in all other respects.

This is echoed in Paragraph 204 of the NPPF.

With the above circumstances in mind the following S106 Obligations are recommended should Planning Permission be approved.

- 25% provision of on site affordable housing.
- The creation of a green space management company to ensure the long term future maintenance of on site green space.
- Education contribution of £2,342 per dwelling.
- The contribution of £500 per dwelling towards measures to encourage non car modes of travel.



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 the Community Infrastructure Regulations and are therefore considered to be acceptable.

## **Conclusion**

The site is allocated for Urban Greenspace purposes in the adopted UDP and the application attempts to demonstrate how the proposed development of the site will adequately compensate for the loss of a significant part of the Urban Greenspace through the provision of enhanced managed Greenspace.

However, the site is allocated for Green Space purposes in the emerging Sites and Policies Local Plan and it is considered that the proposal would be contrary to Policy SP41 'Protecting Green Space' as it would result in the loss of a significant part of the Green Space and the applicants have not justified the loss of the buffer function that the site provides. In addition, it is considered that the proposed development does not provide an acceptable level of amenity for future residents, in terms of air quality and noise impacts and general outlook provided, contrary to 'saved' Policy ENV3.7 of the Rotherham Unitary Development Plan, Policy CS27 'Community Health and Safety' of the Core Strategy, Policy SP 55 'Pollution Control' of the emerging Sites and Policies Local Plan, and paragraph 17 of the NPPF which states that Council's should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings", as well as paragraph 123 of the NPPF.

In the light of NPPF paragraph 14 (decision-taking) where relevant policies to the development plan are out of date, granting permission unless one of two scenarios apply, where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is "the tilted balance".

Or where specific policies in this Framework indicate development should be restricted (including footnote 9 policies relating to SSSIs, Green Belt and AONBs).

NPPF paragraph 49 it provides that "relevant policies" for the supply of housing are not considered up to date if the LPA "cannot demonstrate a five year supply of deliverable housing sites".

Whilst the Council cannot currently demonstrate a five year supply of housing for the Borough, it is considered that the loss of this important area of Green Space and its buffer function, along with the combined impact on the amenity of future residents as set out in the report, would significantly and demonstrably outweigh the benefits of the residential development.

As such, the proposal is recommended for refusal.

## **Reasons**

01

It is considered that the proposals have not justified the loss of this Green Space site and its buffer function. The site is allocated as Green Space on the emerging Sites and Policies Local Plan and is identified within the Plan as providing a valuable buffer

function adjacent to the M1 motorway and A631 Sheffield Parkway, and as such the proposals would be contrary to Policy SP41 'Protecting Green Space' of the Local Plan.

02

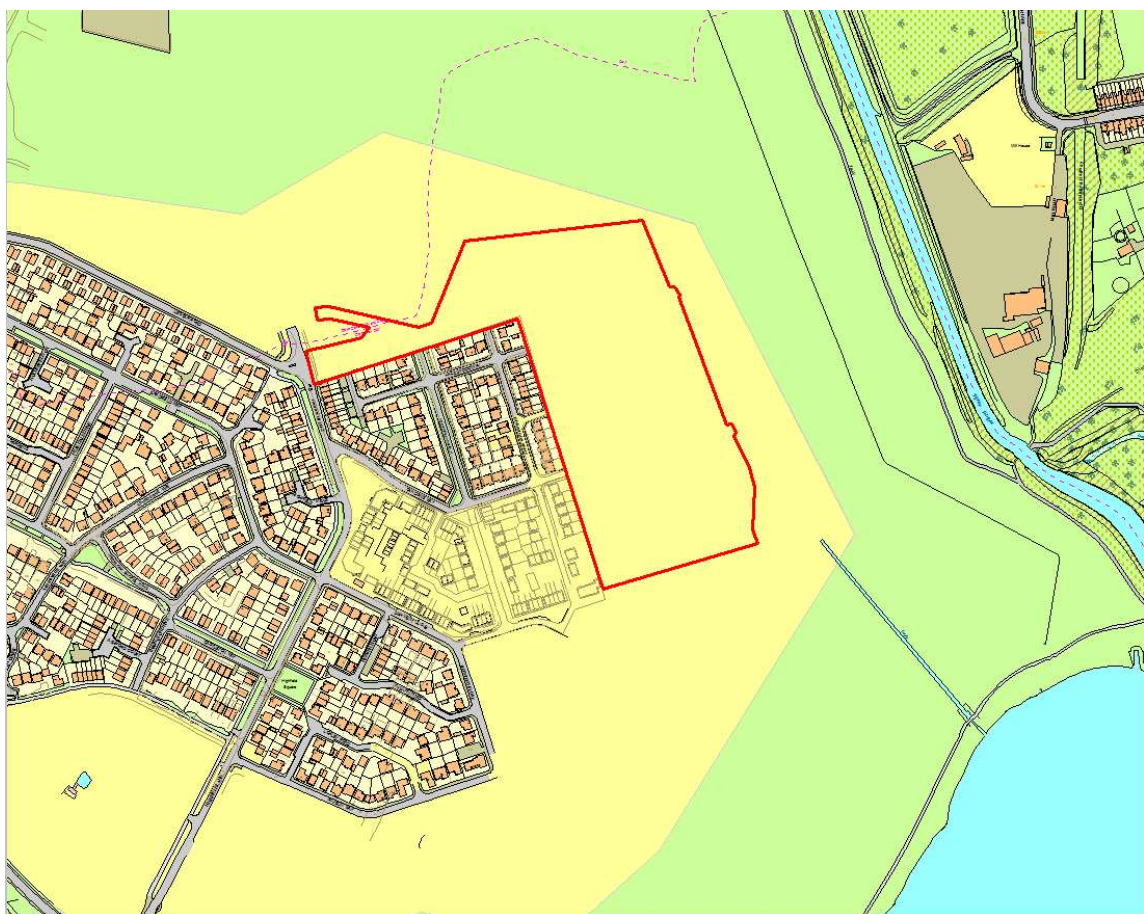
It is further considered that the proposals do not provide an acceptable level of general amenity for future residents, particularly in respect of noise, air quality and general outlook aspects. When combined these factors would result in a significant adverse impact upon the amenity of future occupiers contrary to 'saved' Policy ENV3.7 of the Rotherham Unitary Development Plan, Policy CS27 'Community Health and Safety' of the Core Strategy, Policy SP 55 'Pollution Control' of the emerging Sites and Policies Local Plan, and to the provisions of the NPPF.

## POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant entered into pre application discussions with the Local Planning Authority these identified that it is not possible to support a scheme of this nature nor would any amendments make it acceptable. The application was submitted on the basis of these discussions and it was not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.

<b>Application Number</b>	RB2017/1591
<b>Proposal and Location</b>	Reserved matters application (details of scale, access, external appearance and layout) for the erection of 220 residential dwellings (reserved by outline RB2015/1460) at Waverley New Community, off Highfield Lane for Avant Homes.
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description & Location

The site forms part of the wider Waverley New Community and comprises of a parcel of land known as Phase 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
- RB2011/1296: Application under S73 with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011
- RB2012/1428: Application under S73 with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of the works to be undertaken. - GRANTED CONDITIONALLY ON 26/04/2013
- RB2013/0584: Non-material amendment to application RB2012/1428 to include amendments to Conditions 03, 04, 26 and 48 - GRANTED CONDITIONALLY on 26/09/2013
- RB2013/1496: Non-material amendment to RB2012/1428 to change wording of Condition 48 to allow Masterplan Parameters to be updated – GRANTED CONDITIONALLY on 27/11/2013
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements

to the B6066 High Field Spring/Brunel Way – GRANTED CONDITIONALLY on 29/09/2014

- RB2015/1460 - Application to vary Condition 19 (details of improvement to B6066 Highfield Spring/Brunel Way (AMP North) imposed by RB2014/0775 – GRANTED CONDITIONALLY ON 17/12/2015
- RB2017/0743 - Application under Section 73 for a minor material amendment to vary 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

In addition to the above, a number of Reserved Matters applications have been submitted and subsequently approved amounting to 937 dwellings.

## **Proposal**

The application is for the approval of reserved matters for part of the scheme approved under outline permission RB2015/1460, 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.

The application seeks permission for 220 residential units consisting of a mixture of 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 39 no. units, comprising of 18no. 2 bed apartments and 21 no. 3 bed dwellings.

The layout can be summarised as follows:

- 60 no. 2 bed apartments, 88 no. 3 bedroom dwellings, 65 no. 4 bedroom dwellings and 7 no. 5 bedroom dwellings;
- Mixture of apartments, 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 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

The Core Strategy/Unitary Development Plan/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

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

South Yorkshire Residential Design Guide.

Rotherham's Interim Planning Statement on Affordable Housing.

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 10 representations from 7 separate addresses have been received which are summarised as follows:

- I wish to object against the number of social/affordable homes, after buying my new dream home it was quickly made clear that not all these homes was affordable part buy part rent homes like the sale rep at Harron Homes told me, but council homes with very little background checks on the tenants.
- The plans show a large car parking area for circa 45-50 car parking spaces. Of which 10 are immediately on the other side of our garden fence. No grassed area to create a small gap between cars and fence.
- Several streets are planned with no on-street parking capability. This applies to at least Plots 19 to 41, 48 to 69, 76, to 92, and 99 to 118 where the planned narrow roads allow no provision for visitor parking. This will inevitably adversely affect the existing Rosewood Drive, where on-street parking is already prevalent.
- Waverley Walk was always planned to be a 'feature' thoroughfare through the estate and down to the waterside, with special attention being applied (by both Harron Homes & Barratts) to the properties along this road. The planned 'T4' apartment blocks along this street do not comply with this key planning concept;
- The sudden concentration of eight apartment blocks in a single small area under Phase 2A is not in keeping with the philosophy applied to date. It also introduces a concentration of properties with additional road access and parking requirements that do not appear to have been recognised.
- The eight apartment blocks are only allocated a single parking space each. Although some visitor parking has been allocated (but none for plots 135 to 140) this is considered inadequate to avoid excess on-street parking. It is worth noting that for existing smaller properties, even the allocation of 2 parking spaces does not eliminate on- street parking;
- We have waited 14 years for my dream home only to find that now plots 135-140 will be built just over the fence in my garden. The total proposal for the new dwellings almost all have back to back gardens apart from these apartments. I'm so upset to think that I will have just a large 2 storey blank brick wall taking up almost the width of my garden and far too close to our fence. This will have an adverse effects on our property with a loss of privacy and over shadowing with such a large building
- There is insufficient parking for 12 apartments and only 3 spaces for visiting persons. We already experience blocked driveways and people parking actually on corners, as the roads are quite narrow with only small spaces in between houses, neighbours often have to ask visitors to move their cars, these apartments will only make this matter worse. Making the highway unsafe for most who use it.
- The plans also show that within meters of our rear garden, there will be a large refuse area for 21 large bins. I can only imagine how bad this will smell with the refuse for 30 apartments in a small area so close you the existing properties gardens. The smell is likely to make our gardens usable in warmer months
- I am very concerned about how the current plans are likely to impact on our quality of life, increased stress levels and future resale of our home.
- The proposed screening of the bins is completely inadequate. The bins would still be in plain view from the first floor of my house and would be an eyesore. There is also the possibility of rat infestations
- More space should be allowed between the apartment blocks to allow for the addition of enclosed, single story bin stores. This would eliminate the problems



mentioned earlier and make waste disposal for the new residents more convenient. Also a larger area would be freed up for car parking. The majority of the visitor parking spaces could be moved to the existing boundary line. As these spaces are likely to be used less frequently than the residents spaces, there would be less disturbance to existing homeowners

- The number of flats proposed appears excessive and the locations within the estate not suitable.
- Parking for flat visitors will be an issue, the locations are not on existing bus routes, existing properties will become severely overlooked, and traffic on smaller routes through the estate will be impacted.
- As all the dwellings in this section of the plan will be 3 storey we will be surrounded by buildings that are much taller than those that face them directly and will make us feel like we are living in a prison yard.
- The modified plans of the north-west site, submitted by the developer on the 30th November are not sufficient to overcome my objection to this development. Apart from the oppressive view, being surrounded by tall buildings, the close proximity of the “new “ bin stores to the existing boundary will still result in having to suffer from the inevitable obnoxious odours and possible infestation of vermin.
- The new plans now show that the large 21 refuse bins are now in 3 roofed structures. Putting a roof over the bins makes no difference what so ever. There will still be the smell and the chances of rats and other vermin will create an issue where our gardens will become un useable

## **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 the land to the north (outside of the red line boundary) being landscaped by the landowner 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.

Neighbourhoods (Urban Design) have worked with the applicant at pre-application stage and during the determination of the application and are now satisfied that the layout and design of the house types comply with the approved Design Code for this area.

Environment Agency raise no objection to the proposals.

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 and again in December 2015 under RB2015/1460. The principle of residential development has therefore been established and is considered to be acceptable.

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

- Design and layout
- Impact on neighbouring amenity
- Compliance with the Design Code
- Highway Safety and Transportation Issues
- Flood Risk and drainage
- Landscaping, Green Infrastructure Provision and Ecology
- 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, semi-detached and detached dwellings. The properties are proposed to be 2, and 3 storeys in height.

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 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 objections have been raised regarding the location of the bin stores which serve the apartments in the north western corner of the site (Plots 191 – 220). Originally the plans indicated that these bins would be screened only by a timber fence, however following the objections which were based primarily around the potential for noise and smell, the applicant has amended their plans to show 3 individual brick built structures that have the appearance of single garages. This amendment, together with the proposed landscaping around the structures 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 buildings when viewed from the existing residential properties first floor windows and from within the proposed car parking courts will be greatly improved.

An additional objection has been received regarding the height and siting of Plots 135 – 140 which is a 3 storey apartment block located at a 90 degree angle to the rear of an existing 2 storey dwelling. The original plan showed the apartment block designed with

a gable roof, located only 1m from the rear boundary with the existing property. Given the close proximity to this boundary and design of the gable roof it was clear that the apartment block fell within a 25 degree line from the centre point of the lowest window of the existing property. This guideline is stipulated within the South Yorkshire Residential Design Guide to prevent an overbearing impact. Given this was the case, the applicant was asked to amend the plans to ensure no development would breach this guidance. Accordingly the applicant amended their plans to replace the gable roof with a hipped roof and move the footprint of the building away from the rear boundary of the existing property which now provides a 13m separation distance. An amended cross section was also submitted to demonstrate compliance with the guidance. Given the amendments made it is considered that the relationship of Plots 135 – 140 and the existing residential dwelling is acceptable as the apartment block will not overshadow the existing property to an unacceptable degree.

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: RB2014/0775. 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 42 dwellings per hectares which is compliant with the outline permission and the subsequent approved Waverley New Community Masterplan Framework and Principles Document (August 2014) 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 (RB2015/1460). This document provides a set of parameters which any detailed design proposal within these phases must adhere to. It sets out essential elements that must be delivered to implement the masterplan and are intended to be a mechanism to coordinate the implementation of different elements within the development and provide a framework for the entire site.

The applicants have prepared a design and access statement which amongst other things sets out how the development accords with the rules and parameters set out in the Design Code. 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

finding 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, 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.

It is acknowledged that local residents have made objections based on insufficient parking, however 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.

A surface water sewer system will be constricted 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 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 450 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.”

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 landscape proposal for the development has been designed in accordance with the content of the Design Code which states “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 this regard a landscape masterplan supports the application which shows a number of heavy standard trees around the Streetside and Parkside Edges which is complimented by additional standard sized trees within the internal streets. 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 2019-214. 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 21 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 937 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 and RB2015/1460 and is considered to be acceptable.

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to have regard to the approved Masterplan Framework and Principles Document and the 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 (39 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 & 21 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 & 21 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.

Planning layout – Ref 1732.01 Rev L

Street scenes – Ref: 1732.02 Rev B

Materials Layout – Ref 1732.03 Rev B

Cross Sections – Ref: 1732.CS

### **House Types**

Ashbury planning drawings – Ref: 1732.ASY.01

Cotham planning drawings – Ref: 1732.COM.01

Kempton planning drawings – Ref: 1732.KEN.01

Kilmington (pair) planning drawings – Ref: 1732.KIN.01

Kilmington (detached) planning drawings – Ref: 1732.KIN.02

Ledbury / Thirston elevations – Ref: 1732.LED-THN.01

Ledbury / Thirston floor plans – Ref: 1732.LED-THN.02

Ledbury planning drawings – Ref: 1732.LEY.01 Rev A

Norbury planning drawings – Ref: 1732.NOY.01

Rosebury planning drawings – Ref: 1732.ROY.01 – Rev A

Thirston planning drawings – Ref: 1732.THN.01 – Rev A

### Apartments

Burford / Fairford elevations – Ref: 1732.BUD-FAD.01  
Burford / Fairford floor plans – Ref: 1732.BUD-FAD.02  
Burford elevations – Ref: 1732.BUD.01 – Rev A  
Burford floor plans – Ref: 1732.BUD.02 – Rev A  
T4 Landmark building elevations – Ref: 1732.T4.LMB.01  
T4 Elevations – Ref: 1732.T4.01 – Rev A  
T4 Floor plans – Ref: 1732.T4.02 – Rev A  
T4 Alternative elevations – Ref: 1732.T4.Alt.01  
T4 Alternative floor plans – Ref: 1732.T4.Alt.02

### Boundary Treatments

1.2m Estate railing - Ref 1732.BT.01  
0.6m 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 planning drawings – Ref: 1732.G.01  
Bin store – Ref: 1732.G.03

#### 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 – Dwg No. 1732.01 Rev L 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

Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances. Native trees and shrubs should be considered
- 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'

22

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

**Reason**

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Core Strategy Policy CS 21 'Landscapes'

and UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'

### **Informative(s)**

01

Surface Water Drainage now the responsibility of the LLFA.

Changes to the [Planning Practice Guidance \(Flood Risk\)](#) and the [new DMPO](#) which took effect on 15 April 2015. These support the use of SuDS solutions for surface water management from new development, and explain that the expert advice on surface water proposals should come from the LLFA.

The LLFA is now the Statutory Consultee on these matters for major applications, and manage the regulation of works affecting all watercourses except for those designated 'main river' (this remains with the Environment Agency).

The Environment Agency still has a Strategic Overview role on flood risk and continues to be a statutory consultee in areas of flood zone 2 and 3. We will fulfil this role by advising on the interaction of drainage with flooding from rivers and sea, and continue to make comments as appropriate on local flooding issues from other sources. We will no longer provide detailed comments on the drainage proposals.

02

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: [Technical.Sewerage@yorkshirewater.co.uk](mailto:Technical.Sewerage@yorkshirewater.co.uk) ) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRC publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements

### **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.