

**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 27<sup>TH</sup> APRIL 2023**

**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.**

<b>Application Number</b>	<b>RB2022/1275</b> <a href="https://rotherham.planportal.co.uk/?id=RB2022/1275">https://rotherham.planportal.co.uk/?id=RB2022/1275</a>
<b>Proposal and Location</b>	Reserved matters application (details of scale, external appearance, landscaping and layout) for the erection of 456 dwellinghouses and floorspace within Use Class E (Commercial, Business and Service) (reserved by outline RB2022/1076) Waverley New Community off High Field Spring Catcliffe
<b>Recommendation</b>	<b>Grant subject to conditions</b>

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



**Site Description & Location**

The site forms part of the wider Waverley New Community. It is located to the south-east of existing residential development on Rivelin Way, Derwent Chase and Leopold Way and Brooks Drive, and to the north west of Waverley

Lake. The site is 11.33 hectares in size. Public Footpath Orgreave No. 3 runs along the boundary between the site and the lake.

## **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 and remove conditions 2 - 4, 6 - 8, 11 - 14, 16 - 18, 22 & 24, 25 - 27 and 39 imposed by RB2015/1460 (Outline application for Waverley New Community) which relate to the Masterplan Development Framework and Principles Document, floorspace limits of non residential use classes and highway improvement works –. GRANTED CONDITIONALLY ON 07/12/2017
- RB2019/0485- Non material amendment to application RB2017/0743 to include amendment to wording of condition 17 (trigger for roadworks) – GRANTED ON 01/04/2019
- RB2019/1656 - Non material amendment to application RB2017/0743 to include heads and cills – GRANTED 24/10/2019
- RB2021/1098 - Non-material amendment to application RB2017/0743 to include amendment to condition 17 highway improvements – GRANTED ON 28/07/2021
- RB2021/1700 - Non-material amendment to applications RB2008/1372, RB2011/1296, RB2012/1428, RB2014/0775, RB2015/1460 and RB2017/0743 to include reference to 'up to' 3,890 dwellings and remove the term '2 form entry' from the description of development – GRANTED ON 27/05/2022
- RB2022/1076 - Application to vary condition 28 imposed by RB2017/0743 to update the approved Surface Water Strategy – GRANTED CONDITIONALLY ON 18/11/22

#### EIA screening opinion

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 as the site is over 5 hectares in size and over 150 dwellings. As such, a screening opinion has been prepared and the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the

Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

Accordingly, it is the Local Planning Authority's opinion, that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations.

### **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 is for the approval of reserved matters for part of the scheme approved under outline permission RB2022/1076, and seeks permission for details of the appearance, landscaping, layout and scale, for the development of 456 dwellings and 477.5sqm of floorspace within Use Class E (Commercial, Business and Service). The design of this phase of development is subject to the Design Codes approved for Waverly Waterside Design Code, as well as some aspects of Waverly Walk and Highwall Park Design Codes as well as the overarching Waverley Masterplan Framework & Principles Document.

The application is for the whole site part to be built out by Barratt Homes, and part by David Wilson Homes.

The application proposes a mix house types - 1, 2, 3 and 4 bedroom properties which will range from apartments, to terraced, semi-detached and detached dwellings. This comprises of:

21 x 1 bed

96 x 2 bed

241 x 3 bed

98 x 4 bed

Of these dwellings 149 will be for affordable which equates to a provision of 33% on site which is broken down as follows:

15 x 1 bed

81 x 2 bed

43 x 3 bed

10 x 4 bed

The following documents have been submitted in support of the application:

### Planning Statement

This document reviews relevant planning policy at both the national and local level. It states that, according to the NPPF & Rotherham Core Strategy, the proposed development should be supported. The applicant has submitted and addendum to the document updating the changes that have been made through the planning process.

### Design and Access Statement

The document provides details on the site and the proposed development, including matters such as the layout, scale, landscaping, appearance, access and parking. It concludes that the proposal is in accordance with relevant national and local planning policies and design best practice in relation to planning applications.

### Flood Risk Assessment

This states that a Flood Risk Assessment (reference A042756-3, dated 6 October 2009) was prepared by WYG for the wider 230 hectare Waverley New Community site within which the Phase 4B site is located. The flood risk for the wider site is mainly low (Flood Zone 1) with areas of Flood Zone 2 and 3 along the northern and eastern boundaries associated with the River Rother and areas of Flood Zone 2 within the centre of the site associated with existing storage reservoirs.

The River Rother is located approximately 220 m north-west of the site. Lake Waverley is located approximately 15 m east of the site. Unnamed drains are located immediately north and south of the site draining to Lake Waverley. The Environment Agency's Flood Map for Planning shows the entire site to lie in Zone 1, at low risk of fluvial flooding (Figure 1). Zone 1 refers to land having a less than 1 in 1000 annual probability of river flooding (<0.1%).

The Rotherham Metropolitan Borough Council Strategic Flood Risk Assessment Mapping (Appendix 2) shows the site is in Flood Zone 1 (low risk).

Mitigation measures proposed are considered appropriate to this class of development.

### Site Investigation Review

This notes that the site lies within the former Orgreave opencast area, with the highwall (approximately 100 m high) extending up to around 20 m inside the north east boundary. The majority of the site lies within the fully (i.e. at least 20 m thick) surcharged area, with the exception of the southern corner and the north east. Mitigation measures are proposed to render the development acceptable.

### Statement of Community Involvement

This outlines that residents and the wider community were invited to take part in a consultation process via a leaflet drop to the closest 350 houses in July 2021, as well as visiting the school. A dedicated website was also launched to allow people to view and comment on the proposal. 80 responses were

received which, were relevant have been taken into consideration through the planning process.

#### Ecology Pro-Forma

This confirms that the main biodiversity implications are the disturbance /displacement of nesting birds, disturbance to wintering/loafing birds and the potential for foraging bats. It however goes onto note that the site is a level development platform, and that the majority of the area comprises bare ground with small areas of sparsely vegetated semi-improved grassland and proposes mitigation.

#### Site Investigation

This concludes that ground conditions comprise of made ground as opencast backfill, which typically comprised fairly uniform firm to stiff cohesive material with a varying proportion of cobbles and boulders. It is considered that reinforced traditional spread foundations (strip or trench fill foundations) will be suitable for lightly loaded structures, in line with other development plots at Waverley.

#### Air Quality Assessment

This assessed potential air quality impacts of the proposal both through the construction and operational phase of the development. It concludes that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level thought the construction phase. Also, the review of the dispersion modelling results indicate that predicted air quality impacts as a result of traffic generated by the development were not significant at any sensitive location in the vicinity of the site. Based on the assessment results, air quality issues are not considered a constraint to planning consent for the development.

#### Affordable Housing Statement

This states that the site is identified to deliver 149 Affordable Housing Units, which equates to 32.7% of the total development site which exceeds the policy requirement but reflects the desire for additional affordable housing units in the latter phases of the development.

#### Noise Assessment

This document has assessed any noise which may be generated by the development. It states that transportation noise levels and potential for noise from the proposed non-residential uses have been assessed at the development site via attended surveys, detailed noise modelling and the application of suitable guidance and standards. The study has shown that the effects of noise are not required to be mitigated and sufficient amenity, both externally and internally, can be achieved for the site layout proposed. In view of the above, the development proposals are compliant with relevant local and national policies on noise. Under these circumstances noise would not comprise a potential reason for refusal.

## Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated as a special policy area (SPA1 Waverley New Community) in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

### Local Plan Policies

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS6 Meeting the Housing Requirement
- CS7 Housing Mix and Affordability
- CS14 Accessible places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscapes
- CS22 Green Space
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk
- CS27 Community Health and Safety
- CS28 Sustainable Design
- CS33 Presumption in favour of Sustainable Development
- SP14 Waverley New Community
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving the Natural Environment
- SP37 New and Improvements to Existing Green Space
- SP47 Understanding and Managing Flood Risk and Drainage
- SP52 Pollution Control
- SP55 Design Principles
- SP56 Car Parking Layout
- SP64 Access to Community Facilities

### Other Material Considerations

National Planning Policy Framework: The revised NPPF sets out the Government's planning policies for England and how these should be applied. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

National Planning Practice Guidance (NPPG)

National Design Guide

South Yorkshire Residential Design Guide

RMBC Adopted Supplementary Planning Documents:

- Air Quality and Emissions
- Equal and Healthy Communities
- Affordable Housing
- Natural Environment
- Transport Assessments, Travel Plans and Parking Standards

### **Publicity**

The application has been advertised by way of press notice, 3 site notices were erected on site and the occupiers of nearby properties were consulted by individual neighbour notification letters. Representations have been received from 12 residential properties, and Waverley Community Council and their comments are summarised as below –

- A shame houses are being built so close to the reservoir as it was billed as a nature reserve.
- There is other land to build houses on and leave this as a nature reserve with birds, hedgehogs, ducks and hares
- The area is a Conservation Area, and a sign has been erected stating this
- Not enough green spaces within the existing street scene, some house builders have left site and have not replaced dead trees and shrubs which have died within the first 5 years of planting, contrary to the planning conditions although there seems to be no recourse. The developer should provide money for this from 2026-2031
- The houses will enclose central park
- All green areas should be fenced for safety
- The land given to parks is a token gesture in relation to the amount of land houses are built on, and are inadequate
- Such areas should be preserved to help with peoples mental and physical health which was seen in lockdown
- The roads and facilities cannot cope with the existing development
- There are traffic jams and roads are already too busy and unsafe, where will everyone park – the provision of parking on the plan is inadequate and so cars will park on the roads which are also too narrow, cars then park on footpaths which is dangerous
- The existing roads are not yet adopted, they should be as part of their S38 Agreement.
- Is a car park to be provided for visitors to the lake?

- Bus routes around the site have dwindled, and residents don't often get the bus they want because they are diverted which doesn't capture the demand for public transport – increased dependency on cars
- The increased numbers of cars will be dangerous for children trying to access the park
- The land may be contaminated, and water drainage may be worsened.
- A more up to date flood risk assessment should be submitted, as there has been flooding on site.
- Poor quality housing proposed at a high density
- More 5 bedroom homes should be included within the development as there are not enough provided
- The high numbers of one and two bedroom units is not in keeping with the area
- More flats would make the situation unbearable, and the high density should be located away from the existing houses.
- The noise report was undertaken with no wind, however wind, and the background noise is likely to increase with the provision of the service station on the parkway as well as the additional noise from the houses, which hasn't been considered.
- Inadequate infrastructure in the area
- There is not a secondary school to serve the residents, and children on the estate cannot get into the primary school, additional school places would result in the loss of school grounds
- There is no doctors, dentist or community facilities, the business units by the lake should be increased in number/size.
- Where is the youth shelter referred to in the S106 going to be located?
- Will existing residents be inconvenienced through the construction period?

Waverley Community Council –

- The CC has resolved to object to large developments across Waverley until the social infrastructure is in place – Olive Lane
- Bus services for residents in terms of reliability and regularity is non-existent.
- Insufficient school places or existing/future families
- Double Yellow Lines will be needed along the bus route for it to work if people are not to park on the road
- Trees that have died within 5 years have not been replaced within the existing site
- Could a defibrillator and throw bags be provided near to the lakes?

One objector and the applicant have requested the Right to Speak at the Planning Board Meeting.

### **Consultations**

RMBC – Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Affordable Housing Officer: No objections

RMBC – Tree Service: No objections

RMBC – Landscapes: No objections subject to conditions

RMBC – Drainage: No objections

RMBC – Environmental Health: No objections.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Air Quality: No objections subject to the EV Charging details being implemented in accordance with the submitted plan.

RMBC – Ecology: No objections subject to conditions

RMBC – Public Right of Way: No objections

South Yorkshire Combined Mayoral Authority (formerly South Yorkshire Passenger Transport Service): No objection

The Environment Agency: No objections.

Yorkshire Water: No objections

The Coal Authority: No objection

South Yorkshire Mining Advisory Service: No objections

Sheffield Area Geology Trust: No objections.

South Yorkshire Archaeology Service: No objection

NHS Rotherham CCG: No objections subject to the provision of the new Medical Centre

South Yorkshire Fire and Rescue: No objections

Yorkshire Wildlife Trust – Raise Issues regarding the impact on birds and recommend that a biodiversity mitigation and enhancement strategy is prepared at this time.

## **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 and then also under RB2017/0743 and then in November 2022 RB2022/1076. The principle of residential development has therefore been established and is considered to be acceptable.

A reserved matters application as stated in the National Planning Practice Guidance 'Making an application' relates to those aspects of a proposed development which an applicant can chose not to submit details of with an outline planning application (i.e. reserved for later determination). These are defined in article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

From a land use perspective, the development of the site for Residential Use is acceptable. Accordingly, the principle of this development cannot be revisited during the determination of this reserved matters application.

The main considerations in the determination of the application are:

- Design, Scale and Appearance and Compliance with Master Plan Development
- Framework and Principles Document and Design Code
- Highway Safety and Transportation Issues
- Compliance with the Design Code
- Impact on existing and future occupiers' amenity
- Flood Risk and drainage
- Landscaping, Green Infrastructure Provision and Ecology
- General Amenity – noise, contaminated land and air quality
- Affordable Housing
- Other issues Raised by Objectors
- Planning Obligations

Design, Scale and Appearance and Compliance with Master Plan Development Framework and Principles Document and Design Code

The NPPG notes that: *“Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.”*

The NPPG further goes on to advise that: *“Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”*

SP55 'Design Principles' states: *“All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings.”*

This approach is echoed in National Planning Policy in the NPPF.

The NPPF at paragraph 124 states: *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* Paragraph 130 adds: *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”*

In addition, CS21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. Furthermore, CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham and 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 4A & B of the wider Waverley development and is located to the south east of the consented sites some of which are complete and some of which are currently under construction. The houses surrounding the site to the north and west are constructed and occupied, the north east adjoins Highwall Park with the lake to the east and further developable plots remaining to the south.

The proposal is for a large development for the provision of 456 dwellings and commercial floorspace. The mix of house types includes apartments, duplex apartments, terrace, semi-detached and detached properties, and the numbers of each are as below –

- 1 bed apartment - 21
- 2 bed terraced – 13
- 2 bed semi detached – 24
- 2 bed quarter house – 24
- 2 bed apartment – 38
- 3 bed terraced – 28
- 3 bed semi-detached – 151
- 3 bed detached – 54
- 4 bed terraced – 5
- 4 bed duplex – 5
- 4 bed semi-detached – 35
- 4 bed detached – 58

The commercial floorpace is 477.4sqm and is to be provided within three units on the waterfront, all of which will have residential units above. The proposal is for the floor space to be used for some uses which fall within the E Use Class, and some which fall within F2 Use Class which could be uses within commercial, business and services and Local Community Uses.

The Master Plan Development Framework and Principles Document state that *“The approach for the layout and appearance of Waverley Waterside is to create an attractive and distinctive new neighbourhood, with a cohesive character and a clearly defined hierarchy of places.*

*Waverley Waterside will typically have higher density than other phases, with a more formal block structure and urban character. It is predominantly residential with key pedestrian and cycle friendly access to the lake as a local destination.”*

Key Design Principles are to include

- The creation of Blocks
- Building Heights of between 2 and 3 storeys with landmark buildings going up to 4 storey.

- Minimise car dominance of streets with on plot parking, garages, car ports and private rear parking courts
- Dwellings facing the promenade to be accessed via a mews street to the back

The plan identified Loop Street/Waverley Walk as the primary route to the rest of Waverley which is to have a distinctive character. The north eastern part of Loop Street should be designed to accommodate a bus route, with the western section being a priority green route that runs to the Lake and accommodates rain gardens to form part of the site wide Green and Blue Infrastructure Strategy.

The Masterplan Development Framework Document identifies the application site as being within the Waverley Waterside Character Area on the regulating plan. This identifies the character areas within the site as well as identifying locations for Key Buildings, Key Spaces, Transportation routes and Key Views.

The application divides the site into three character areas, which are assessed further below, in accordance with the Design Code for this phase of development which has been approved in response to the requirement of Condition 03 of the outline approval (RB2022/1076), which was approved under application RB2022/0919 –

#### Waterfront

The Design Code requires the frontage to appear continuous, with a mix of semi-detached and terraced town houses and apartments to be typically 2 and 3 storey along the waterfront promenade. The north western corner of this character area is shown in the Masterplan Framework Document to provide a Mixed Use Frontage onto the lakes, to provide circa 1,300 sqm, to make the most of the opportunity to create an urban realm that is unique and distinct providing Waverley residents with a high quality attractive space for recreation and leisure.

The application has been amended several times through the application process to ensure that the provisions of the mixed use area within the site is acceptable in terms of quantity and quality. The amended scheme provides for a mixed use area in the north eastern corner, with two 3 storey apartment blocks provided with non-residential use at ground floor, with a 3 storey building centrally with non-residential uses on the ground floor and duplex units above. The apartment blocks include one unit in each, whilst the duplex block proposes a flexible floor plan which would be divided up into 5 separate units, or provide less larger units. The Design Code identifies 2 Key Buildings within this frontage which are the two 3 storey T shaped apartment blocks.

Car parking provision for the occupiers and users is provided to the rear of the site in a car park.

The promenade frontage contains semi-detached properties which are 3 storey in height which include gable roofs facing the lake, all having balconies

to benefit from the location on the frontage. These properties have access from the rear and have car ports for parking.

The promenade also includes two further 3 storey apartment blocks one located centrally on the promenade and one in the southern corner.

The buildings along the waterfront are proposed to be a cream brick with grey windows, grey slate roofs with cladding. The houses have glass balconies, whilst the apartments have metal balustrade Juliet balconies.

#### Waverley Walk

The Design Code requires an informal, varied building line with regular spacing between units, being predominantly detached and semi-detached properties typically 2 and 2.5 storeys tall with a higher degree of continuous building frontage and enclosure to give emphasis to its hierarchy and contrast with other street typologies. It requires the southern part of Waverley Walk to provide rain gardens along the road frontages. The application has been amended through the process to allow the provision of significant rain garden features along a section of the road with minimal breaks. This has been done by providing a rear access road with parking to the rear to serve the houses in this location fronting Waverley Walk adjacent to the rain garden features.

There is also the requirement for the provision of a Key Space and the proposal includes a pocket park feature to create an end/focal point that is aligned with the Riverside Pocket Park, which is adjacent to a Landmark Building which provides enclosure as well as surveillance to the park.

The materials for this area are red brick and render as laid out in the Design Code.

#### Parkside Edge

The Design Code states that the Parkside Edge interfaces Highwall Park, and it requires larger dwellings to address the park and provide a consistent building frontage enclosure to the park. The character is to be predominantly detached and semi detached houses, 2 and 2.5 storeys high orientated to maximise the views of the park. This forms a key frontage, and Landmark Buildings are shown to create a sense of arrival.

The materials proposed are consistent with those laid out in the Design Code.

Objections have been received regarding the poor quality and density of the proposal, and that more 5 bedroom houses should be provided at the site. The approved Design Code for this site outlines the design principles that the developer should follow and in terms of density it states that the site “*will typically have a higher density than other phases, with a more formal block structure and urban character*”. The Design Code also identifies the types of houses to be provided within the three character areas, and prescribes a mix of semi-detached, terraced town houses, apartments and detached properties within the relevant areas. The application site does include a wider mix of houses with more smaller dwellings built at a higher density than some of the

previous phases, however this is in full compliance with the approved Design Code and Master Plan Development Framework for the site.

Taking into account the above, it is considered that the scheme has been designed in line with the Design Code and Master Plan Framework document for the site, and incorporates the necessary green features and rain water features that have been sought in this area. The amended scheme is also considered to address the important location and function of the promenade adjacent to the Lakeside, which is a prestigious location within the development, with the non-residential uses proposed attracting residents from the wider Waverley community.

The proposal provides routes through the site to the lake and the park on foot, for cyclists as well as for car users, with the northern section of the Loop Street being designed to accommodate buses. Having regard to all of the above, it is considered that the layout and design of the proposed development offers is acceptable. 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 and the prominent lakeside location.

#### Highway Safety and Transportation Issues

Paragraph 109 of the NPPF states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

CS14 ‘Accessible Places and Managing Demand for Travel’ states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, 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.

SP26 ‘Sustainable Transport for Development’ states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 108 and 110 of the NPPF.

SP56 ‘Car Parking Layout’ states that layouts should be designed to reduce the visual impact of parking on the street-scene; discourage the obstruction of

footways and ensure in-curtilage parking does not result in streets dominated by parking platforms to the front of properties.

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:

The Transportation Unit have assessed the proposals and required the submission of an amended plan which addresses concerns that were originally raised. As a result the Transportation Officer has confirmed that the revised layout has addressed all his previous concerns and that the proposed layout now conforms with guidance from both Manual for Streets and the South Yorkshire Residential Design Guide. He has also confirmed that site car parking facilities comply with the Council's minimum residential standards.

The Public Rights of Way Officer has also assessed the application and notes that the necessary public path orders to allow this development have already taken place and that they are in ongoing discussions with the developer to create new rights of way and access in the vicinity, working with the Rotherham Local Access Forum etc. In this respect the promenade provides a unique waterside pedestrian and cycle only route along the western bank of Waverley Lake.

Objections have been received regarding the existing and proposed roads at Waverley stating that the roads cannot cope with the amount of traffic and that they are busy and unsafe, and that parking provision is inadequate so cars park on pavements, also that the existing roads aren't yet adopted and that they should be as part of the Section 38 Agreement. Waverley Community Council have stated that double yellow lines will be needed along the bus route to stop on street parking.

With reference to these objections the Transportation Officer has stated that the adoption of Highfield Lane is currently being addressed by Harworth who are finalising outstanding works including installation of the road markings etc in the approved designs with additional junction markings not previously included. In respect of the roads off Highfield Lane, whilst there are no approved prescribed road markings plans etc within the S38 Agreements reference is made in the agreements 'schedules' that requisite road markings

and signage will be installed before the roads will be accepted into adoption. As noted above he also confirms that the layout conforms with guidance from both Manual for Streets and the South Yorkshire Residential Design Guide, and that on site car parking facilities comply with the Council's minimum residential standards. With regards to the request for double yellow lines to stop cars parking on the bus route, it should be noted that the amended plan has been designed to discourage cars parking on this route, and the provision of double yellow lines is not something that the Local planning Authority would want to see in this location.

An objection also asks about the provision for a car park at the lakes for walkers. Whilst the layout does show a small car parking area in the eastern corner of the site close to the lake, this has been designed for the occupiers of the apartments as well as staff and visitors/customers of the non residential floor space. It is envisaged that the lakes would be used by local people and as such a destination car park is not wanted or required.

Objections have been received regarding the lack of buses serving Waverley, this is however an issue to be taken up by the bus service providers. From a planning point of view the roads are planned to accommodate buses where required, however the Local Planning Authority has no control over the provision of the buses at the site. This scheme has been designed with a bus route so that it can accommodate buses.

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 and amended 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 Policies CS14 and SP26 and guidance within the NPPF.

#### Impact on existing and future occupiers' amenity

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

The South Yorkshire Residential Design Guide (SYRDG) notes that: "*For the purposes of privacy and avoiding an 'overbearing' relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.*"

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific

circumstances, be limited by the 25 degree rule. Furthermore, so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 degree rule.

Further to the above the NPPF at paragraph 130 states, in part, that planning decisions should ensure that developments “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*”

It is noted that there are residential properties already present and occupied to the north and east of the application site on Brooks Drive, Leopold Way, Derwent Chase and Rivelin Way which all form part of Waverley New Community. The new dwellings are proposed to be across a road from all of these properties and there is 20m separation distance from front elevation to front elevation across the roadways, and in this respect the layout is considered to be acceptable as it would not give rise to unacceptable levels of overlooking, loss of privacy or appear overbearing from existing neighbouring properties.

In relation to the inter-house spacing within the development site this is assessed against guidance contained within the SYRDG in relation to minimum separation distances and minimum garden areas. In this respect the majority of the plots comply with the minimum standards, with the exception of some of the rear garden areas. The applicant has submitted a plan which indicate that some of the rear gardens of the houses fronting into the lake do not comply with standards, however these properties have balconies to the front and for this reason the shortfall is considered acceptable. Likewise, some of the rear gardens of the houses fronting Waverly Walk in the location of the rain gardens are below the guidelines, however this is accepted due to the provision of the drainage/design feature. There are also some other plots which are below the minimum guidelines, however they do not fall below a 10% shortfall, and considering the number of dwellings on the site and the high density of development, this is not considered that the shortfalls would result in an adverse standard of residential amenity for future occupiers, and therefore this would not justify refusal of the whole scheme.

Additionally, the scheme includes numerous ‘quarter houses’, these are blocks which contain 4 separate 2 bed units. These units fall below the minimum internal space standards set out in the South Yorkshire Residential Design Guide, they are 55sqm and the minimum requirement within the SYRDG is for a 62sqm. The units also have shared external space, as is provided with apartments. Whilst the units do fall below the minimum standard, it is considered that they offer an additional house type which could be attractive to future occupants who are looking for a more compact dwelling, and it is not considered that the shortfall in area is sufficient to justify refusing the application.

As such the future residents of the development site will be provided with sufficient internal and external amenity space and will not be subject to overlooking, overshadowing or a loss of privacy.

With the above in mind, it is considered that the proposed development adequately addresses how the development does not affect the amenity of existing residents. The proposal is therefore considered acceptable and in accordance with the guidance contained within the SYRDG and adopted Local Plan policy SP55 'Design Principles'.

### Flood Risk and drainage

Policy CS24 'Conserving and Enhancing the Water Environment' states:

"Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:
  - i. the natural geomorphology of watercourses,
  - ii. water quality; and
  - iii. the ecological value of the water environment, including watercourse corridors;
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,
- e. dispose of surface water appropriately according to the following networks in order of preference:
  - i. to an infiltration based system wherever possible (such as soakaways)
  - ii. discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)
  - iii. discharge to a public sewer."

Policy CS25 'Dealing with Flood Risk' states 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. Furthermore, policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage

approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 163 and 165 of the NPPF.

An Outline Surface Water Strategy Report was submitted as part of the outline application for the entire Waverley site, which was updated in RB2022/1076 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 as well as being at low risk from fluvial flooding, the site is considered to be at low risk of flooding from surface water, sewers, groundwater and reservoir failure.

The proposal includes rain garden features which run along Waverley Walk and take surface water into the reservoir. The Councils Drainage Engineer has looked that the documents submitted with the application and notes that the full drainage system for the site will be discharged to the lake, no attenuation is required for the site and the system has an unrestricted discharge. The system is being proposed to be adopted by Yorkshire water under a section 106 agreement. Sustainable Urban Drainage system are being utilised on the highway in relation to rain gardens with partial infiltration and overflowed perforated pipes that will also discharge to the lake. The design is in line with the Ciria Guidance for SuDS designs, that will improve water quality before discharge. The drainage design is in line with the surface water strategy for Waverley with the installation of suitable SuDS features.

The Environment Agency have confirmed that the information provided is acceptable from a flood risk point of view, and Yorkshire Water raise no objections to the application.

An objection has been received on the basis that a more up to date Floor Risk Assessment should be undertaken. However, in this regard the Councils Drainage Engineer has assessed the submitted information and raises no objection and considers that the drainage measures proposed are acceptable and in accordance with the overall drainage strategy for the New Community.

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

#### Landscaping, Green Infrastructure Provision and Ecology

Policy CS19 “Green Infrastructure” states, in part, that: “Rotherham’s network

of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas...Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below –

- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.”

Policy CS21 ‘Landscapes,’ states, in part, that: “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.”

Policy SP32 ‘Green Infrastructure and Landscape’ goes onto state in part that: “The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users.”

The landscape proposal for the development has been designed in accordance with the content of the Design Code which states that 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. It states that a successful scheme will:

- Make the most of existing landscape, vegetation or habitat, and topography;
- Integrate the development with its surroundings in a sympathetic manner and be appropriate to the character of the area, contributing to local identity;
- Create a quality environment in which to live and play. Where landscapes for recreation are concerned, the needs of users and local residents should be a key consideration in the choice of site and its design;

The Council’s Landscape Design Team Leader assessed the original proposals in line with the requirements of the Design Code and requested an amended landscape scheme which the applicants submitted. In response to the amended scheme she considers that it is general compliance with the Design Code, except for the size of trees proposed to be planted in some areas. She has therefore concluded that the amended landscape scheme is generally satisfactory, however she has requested that conditions be attached to any permission requiring the submission of further information to ensure that the size of the trees planted are done so in full accordance with the Design Code.

Objections have been received on the grounds that trees and shrubs planted within the existing Waverley development have died and have not been replaced within the 5 year period as specified by planning conditions. This issue has already been noted by the Local Planning Authority and the relevant house builders have already been contacted, some have replanted the trees, and the developers who have not are still being chased to do so as required by the condition.

Objections have also been received that the land given to parks is a token gesture in relation to the land that houses are built on. This application includes a small pocket park as required by the Design Code, however it has been designed to link into Highwall Park which is to the north east of the site. Highwall Park will run all the way from the lakes, up towards the school and then across the site towards Olive Lane. The whole of the Waverley New Community was planned with the park running through it along with smaller pocket of parks within the housing areas. Highwall Park will be a large park area and will accommodate numerous areas for play and activities and nature. The Learn to Ride Bike Track has been provided in the park recently and the design of the rest of the park is currently underway, Harworth are aiming to commence work on the delivery of the park, which includes various areas of equipped play this year. Once complete this large park will provide outdoor areas for people to use, along with additional area available around the lakes.

An objector has asked for all green areas to be fenced off for the safety of children. Some areas, such as central park are fenced off, but not all green areas to be provided will be fenced off at the site. An objector also states that the proposal would enclose Central Park and remove current views of the lake. As noted above this site has always been shown to be developer for housing, and it was always envisaged that Central Park would have houses around it as laid out in the Masterplan Development Framework.

It is therefore considered that the proposal is acceptable in terms of landscaping and in accordance with the provisions of Policy CS20 'Landscapes'.

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

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.

In assessing Biodiversity issues, Policy CS20 'Biodiversity and Geodiversity,' notes in part, 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.”

Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states, in part, that: “Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,” and adds that:

“Development will be expected to enhance biodiversity and geodiversity onsite with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes.”

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

The Ecological Checklist accompanying the reserved matters application is a validation requirement. This appraisal confirms that the site is a level development platform and that the majority of the area comprises bare ground. Green infrastructure will be provided to include native hedgerows, amenity hedgerows, trees, shrubs and species rich grassland. Lighting will be sympathetic ie. low level, low energy. To minimise visual and noise disturbance to wintering birds, hoardings should be erected to the southern boundary of the development platform, as well as on site nesting facilities for birds and roosting facilities for bats. 13x13cm gaps in fences to be provided for hedgehogs.

Yorkshire Wildlife Trust have commented on the application and note that Waverley lakes have provided a haven for birds, and that the Ecology Assessment submitted with this application recognises the disturbance to these birds from this phase of the development as it will go right up to the lake edge. YWT note that the ecology report recommends a number of mitigation conditions to help to mitigate the impacts, including a biodiversity mitigation and enhancement strategy to be conditioned.

The YWT consider that this strategy should be developed now, before the reserved matters application is potentially granted and that this is written in consultation with local stakeholders. They consider that the impacts on the

lakes from both the development footprint right up to the lakes, and also recreational pressure from people from an additional 456 houses needs to be properly considered and managed at this stage.

In this respect the Councils Ecologist has noted this application is a Reserved Matters application and that it has always been envisaged that built development would come right up to the lakeside in this location, however, she notes that the issues do need to be addressed. In this respect she has recommended that a condition be attached to any permission requiring the preparation and submission of an ecological design strategy to be formulated prior to commencement of development.

Objections have been received on the basis that the site is a Conservation Area and so should not be built upon. It is noted that previously Harworth mistakenly erected a sign which said 'Conservation Area', this was then removed as the land is not a Conservation Area, and there is no designation as a Conservation Area. The land forms part of Waverley New Community, and is covered by the outline permission which shows residential development on the site. It is noted that the site has been left untouched for a number of years and as such there could be wildlife present. In this respect a condition is to be attached to any permission requiring the provision/implementation of mitigation and enhancement measures in relation to birds, bats and hedgehogs.

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

#### General Amenity – Noise, Contaminated Land and Air Quality

Policy CS27 'Community Health and Safety' states, in part, 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."

Policy SP52 'Pollution Control' 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.
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”

Policy SP54 ‘Contaminated and Unstable Land’ states that: “Where land is known to be or suspected of being contaminated, or development may result in the release of contaminants from adjoining land, or there are adverse ground conditions caused by unstable land, development proposals should:

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse or ground water;
- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”

The application is accompanied by an Assessment of Ground Conditions which has been assessed by the Councils land Contamination Officer who has noted that the site is part of the larger Waverley development area which has been subject to decommissioning works followed by opencast coal extraction in the past. The application site itself lies within the former opencast area, with a highwall extending up to around 20m inside the north-eastern boundary. The majority of the site lies within the fully surcharged area, with the exception of the southern corner and north-eastern part of the site. The toe of the opencast highwall extends 10m to 20m within the northeast of plot.

It is noted that remediation and validation works have been undertaken in the past to a satisfactory standard that the site is considered to be fit for use in terms of both geotechnical stability and contamination risks.

The Council’s Land Contamination Officer raises no objections to the proposed development subject to the imposition of conditions.

In terms of noise, a noise report was submitted with the application which identifies only road traffic noise as being the dominant noise. The level of noise from this source is not significant and meets the minimum daytime and night-time noise criteria as described in BS8233:2014 and WHO guidelines without the need for mitigation. It is noted that commercial units are planned and therefore fixed plant may be introduced. This has the potential to cause disamenity to future residents of the proposed nearby residential dwellings due to noise and cooking odour.

The Councils Environmental Health Officer has assessed the application and the noise report and does not raise any concerns in relation to the road traffic noise, however due to the commercial uses they have recommended that conditions are attached requiring details of plant to be submitted, as well as an odour assessment if the units are to be used for food businesses.

In relation to Air Quality, and Air Quality Assessment was submitted with the application which has been assessed by the Councils Air Quality Officer who has confirmed that a damage cost calculation has been undertaken, however as indicated in the AQA there will be no significant impact on ambient air quality from the operational phase of the proposal at any sensitive receptors.

Objections have been received in relation to the land being contaminated, and also in relation to the noise assessment and the fact that background noise would increase due to the additional houses at the site and the motorway service station being built next to J33 of the M1. As noted above the Councils specialist Environmental Health Officers have assessed the information submitted in relation to ground conditions as well as the noise report and do not raise any objections to the application, on these issues.

It is therefore considered that the proposal is in compliance with Local Plan policies CS27, SP52 and SP54

### **Affordable Housing**

Of the 456 dwellings proposed, 149 are proposed as affordable housing, which equates to 32.7%, this exceeds policy requirement but reflects the desire for additional affordable homes on the latter phases of Waverley. These will be provided in a mix of house types and tenure.

The Councils Affordable Housing Officer has assessed the proposal and accepts that the proposed mix of accommodation meets the identified housing affordable housing need and is therefore considered acceptable.

This is secured via a S106 Agreement attached to the outline permission.

### **Other issues Raised by Objectors**

Numerous objections have been received in relation to the lack of infrastructure provided at the wider Waverley site as a whole. This generally relates to shops, doctors and accessible school places.

A planning application for the development of Olive Lane was submitted in 2021, however since this time, the applicants Harworth have commented that there have been significant cost price inflation caused by several factors outside of their control including the Covid-19 pandemic and the ongoing war in Ukraine which have resulted in the significant rise in construction costs. However, they are in the process of finalising the design for an amended scheme with the intention of being on site before the end of 2023, with completion of construction expected in winter 2024 subject to the approval of planning permission. Harworth have provided RMBC with updated detailed plans over the last few weeks and are preparing a new planning application alongside a community engagement session shortly, which members of the community council, local residents and ward members will be notified of.

In relation to the Medical Centre, this has received planning permission and Harworth are working closely with NHS England, with a view to being on site to commence construction in autumn this year.

With regard to schools, it was never anticipated that a Secondary School would be provided at Waverley as there is sufficient capacity in surrounding schools. In relation to Primary Schools Waverley Community Primary has been provided as a 2 form entry, and due to the numbers of houses that have now been constructed at the site the trigger for a part payment to extend the school to a 3 form entry school has recently been reached and the funds have been requested in this respect.

It should also be noted that this application itself includes an element of non-residential floorspace close to the lake, and this will add to the facilities at Waverley as a whole once developed. When originally submitted this application included a small element of non-residential use, 105sqm, however through negotiation that has been increased to 477sqm, to provide an increased leisure/retail offer close to the lake frontage on the promenade.

An objection has been received about the location of a youth shelter detailed in the S106 Agreement for the wider site. This is not to be located within this application site and is being designed within the wider Highwall Park area.

An objection has been received asking if existing residents will be inconvenienced via construction works. In this regard the construction of 456 houses will have an impact on the existing residents close to the site. However as elsewhere on the whole of the site the outline planning permission contains conditions which seek to minimise this disturbance through best practice construction working methods.

Waverley Community Council have requested that if planning permission is granted that a defibrillator and a throw bag be provided by the lakeside. The applicants have agreed to this and the details of these and where they will be situated will be secured via a planning condition.

## 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 RB2017/0743 and RB2022/1076 and is considered to be acceptable.

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to have regard to the approved Masterplan Framework and Principles Document and the Waverley Waterside Design Code. The applicants have also specifically designed certain areas to respond to its location especially along the Promenade on the waterfront.

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.

A comprehensive Flood Risk Assessment and Surface Water Drainage Strategy were submitted and approved as part of the outline approval, and this application includes the provision of rain gardens along part of Waverley Walk.

In terms of the landscaping within the site, the applicants have provided an acceptable level of landscaping appropriate for the site. There are no objections to the proposed planting schemes from the Landscape Design team.

It is therefore recommended that planning permission be granted in accordance with the following conditions.

## Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **11, 20 & 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 **11, 20 & 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 permission hereby granted shall relate to the area shown outlined in red on the approved location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans (as set out below) –

#### Site Drawings

- 21 5524 01 - SITE LAYOUT (REV R)
- 21 5524 01 - SITE LAYOUT (REV R) - COLOURED
- 21 5524 02 - LOCATION PLAN
- 21 5524 03 - PROPOSED STREETSCENE ELEVATIONS (REV B)
- 21 5524 10 - SITE LAYOUT 1\_500 - SHEET 1 OF 2 (REV M)
- 21 5524 11 - SITE LAYOUT 1\_500 - SHEET 2 OF 2 (REV M)
- 21 5524 13 - MATERIAL PLAN (REV J)
- 21 5524 14 - GARDEN SIZES (REV D)
- 21 5524 238 - REV C - GARAGE DETAILS
- 21 5524 239 - REV D - BIN-CYCLE STORE-CAR PORT-SUB STATION DETAILS

#### Boundary Details

- 21 5524 21 - 1800 HIGH WALL AND TRELLIS
- 21 5524 22 - 1800 HIGH WALL AND METAL RAILINGS
- 21 5524 23 - 450 HIGH KNEE RAIL AND 900 HIGH ESTATE RAIL
- 21 5524 24 - 1800 HIGH SCREEN WALL
- DB-SD13-006\_B Close Boarded Fence

#### House Types

##### Waverley Walk

- 21 5524 50 - REV B - WW - H417 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 51 - REV B - WW - H417 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 52 - REV B - WW - H469 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 53 - REV B - WW - H469 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 54 - REV B - WW - H456 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 55 - REV B - WW - H456 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 56 - REV A - WW - H442 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 57 - REV A - WW - H442 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 58 - REV B - WW - P341 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 59 - REV B - WW - P341 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 60 - REV A - WW - T322 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 61 - REV A - WW - T321 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 62 - REV B - WW - P382 - (AS-OP) - GA PLANS & ELEVATIONS

- 21 5524 63 - REV B - WW - P341-P382 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 66 - REV A - WW - T321 - (AS-AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 67 - REV A - WW - T322 T427 - (AS-AS) - GA PLANS & ELEVATIONS
- 21 5524 68 - REV A - WW - T322 T427 - (OP-OP) - GA PLANS & ELEVATIONS
- 21 5524 70 - REV B - WW - RIPON - (AS) - GA PLANS & ELEVATIONS
- 21 5524 71 - REV B - WW - RIPON - (OP) - GA PLANS & ELEVATIONS
- 21 5524 72 - REV B - WW - MORESBY DET - (AS) - GA PLANS & ELEVATIONS
- 21 5524 73 - REV B - WW - MORESBY DET - (OP) - GA PLANS & ELEVATIONS
- 21 5524 74 - REV B - WW - TYPE 67 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 75 - REV B - WW - TYPE 69 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 76 - REV A - WW - DENBY - (AS) - GA PLANS & ELEVATIONS
- 21 5524 77 - REV A - WW - DENBY - (OP) - GA PLANS & ELEVATIONS
- 21 5524 78 - REV B - WW - MAIDSTONE - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 79 - REV B - WW - ELLERTON - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 80 - REV B - WW - WOODCOTE - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 81 - REV B - WW - MAIDSTONE MORESBY - (AS-AS) - GA PLANS & ELEVATIONS
- 21 5524 82 - REV B - WW - WINDERMERE - (AS) - GA PLANS & ELEVATIONS
- 21 5524 83 - REV B - WW - WINDERMERE - (OP) - GA PLANS & ELEVATIONS
- 21 5524 84 - REV B - WW - APARTMENTS (SEA CUL GIL) - (AS) - GA PLANS
- 21 5524 85 - REV B - WW - APARTMENTS (SEA CUL GIL) - (AS) - GA ELEVATIONS
- 21 5524 89 - REV B - WW - APARTMENTS (WIL SCH BUR) - (OP) - GA PLANS
- 21 5524 90 - REV B - WW - APARTMENTS (WIL SCH BUR) - (OP) - GA ELEVATIONS
- 21 5524 91 - REV B - WW - MORESBY MAIDSTONE- (OP-OP) - GA PLANS & ELEVATIONS
- 21 5524 92 - REV B - WW - TYPE 69 - (AS-AS-OP) - GA PLANS & ELEVATIONS

- 21 5524 93 - REV B - WW - CHESTNUT - (AS) - GA PLANS & ELEVATIONS
- 21 5524 94 - REV 0 - WW - T322 - (AS-OP-OP) - GA PLANS & ELEVATIONS
- 21 5524 95 - REV 0 - WW - T322 - (AS-AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 96 - REV 0 - WW - MAIDSTONE - (AS-AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 97 - REV 0 - WW - HAZEL - (AS) - GA PLANS & ELEVATIONS

#### Parkside Edge

- 21 5524 100 - REV B - PE - P341 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 102 - REV B - PE - WINDERMERE - (AS) - GA PLANS & ELEVATIONS
- 21 5524 105 - REV B - PE - ELLERTON - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 106 - REV B - PE - WOODCOTE ELLERTON MORESBY - (AS-OP-AS) - GA PLANS & ELEVATIONS
- 21 5524 107 - REV B - PE - P382 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 108 - REV B - PE - H351 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 111 - REV B - PE - H456 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 114 - REV C - PE - SH67 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 115 - REV C - PE - SH69 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 116 - REV B - PE - P341 P382 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 117 - REV B - PE - P382 P341 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 118 - REV B - PE - KINGSVILLE BRENTFORD - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 119 - REV B - PE - APARTMENTS (SEA CUL GIL) - (OP) - GA PLANS
- 21 5524 120 - REV B - PE - APARTMENTS (SEA CUL GIL) - (OP) - GA ELEVATIONS
- 21 5524 122 - REV B - PE - T322 T427 - (AS-AS) - GA PLANS & ELEVATIONS
- 21 5524 124 - REV B - PE - WOODCOTE - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 125 - REV B - PE - WINDERMERE - (OP) - GA PLANS & ELEVATIONS
- 21 5524 126 - REV B - PE - H411 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 127 - REV A - PE - T321 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 129 - REV 0 - PE - H351 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 130 - REV 0 - PE - P382 - (AS-AS-OP) - GA PLANS & ELEVATIONS

- 21 5524 131 - REV 0 - PE - T322 T427 - (OP-OP-OP) - GA PLANS & ELEVATIONS

#### Waverley Waterfront

- 21 5524 158 - REV B - WF - APARTMENTS (COL LOU HOR) - (OP) - GA PLANS
- 21 5524 159 - REV B - WF - APARTMENTS (COL LOU HOR) - (OP) - GA ELEVATIONS
- 21 5524 162 - REV B - WF - W301 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 163 - REV B - WF - W302 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 164 - REV B - WF - W303 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 165 - REV B - WF - W303 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 166 - REV B - WF - W401 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 167 - REV B - WF - DUPLEX BLOCK - (AS) - GA PLANS
- 21 5524 168 - REV B - WF - DUPLEX BLOCK - (AS) - GA ELEVATIONS
- 21 5524 169 - REV B - WF - APARTMENT BLOCK- TYPE T - (AS) - GA PLANS
- 21 5524 170 - REV B - WF - APARTMENT BLOCK- TYPE T - (AS) - GA ELEVATIONS
- 21 5524 171 - REV A - WF - APARTMENT BLOCK- TYPE T - (OP) - GA PLANS
- 21 5524 172 - REV A - WF - APARTMENT BLOCK- TYPE T - (OP) - GA ELEVATIONS
- 21 5524 173 - REV A - WF - APARTMENTS (WIL SCH BUR) - (OP) - GA ELEVATIONS
- 21 5524 174 - REV A - WF - APARTMENTS (WIL SCH BUR) - (OP) - GA PLANS -

#### Other Areas

- 21 5524 200 - REV B - SA - P382 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 201 - REV B - SA - ELLERTON - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 202 - REV B - SA - MAIDSTONE - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 205 - REV B - SA - H351 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 206 - REV B - SA - H351 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 208 - REV B - SA - H469 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 209 - REV B - SA - H469 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 210 - REV C - SA - H411 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 211 - REV C - SA - H411 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 213 - REV B - SA - H456 - (OP) - GA PLANS & ELEVATIONS

- 21 5524 214 - REV B - SA - H442 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 215 - REV B - SA - H442 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 216 - REV B - SA - H417 - (AS) - GA PLANS & ELEVATIONS
- 21 5524 217 - REV B - SA - H417 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 220 - REV B - SA - DENBY - (AS) - GA PLANS & ELEVATIONS
- 21 5524 221 - REV B - SA - DENBY - (OP) - GA PLANS & ELEVATIONS
- 21 5524 222 - REV B - SA - WINDERMERE - (AS) - GA PLANS & ELEVATIONS
- 21 5524 223 - REV B - SA - WINDERMERE - (OP) - GA PLANS & ELEVATIONS
- 21 5524 224 - REV B - SA - RIPON - (AS) - GA PLANS & ELEVATIONS
- 21 5524 225 - REV B - SA - RIPON - (OP) - GA PLANS & ELEVATIONS
- 21 5524 226 - REV B - SA - MORESBY (DET) - (AS) - GA PLANS & ELEVATIONS
- 21 5524 227 - REV B - SA - MORESBY (DET) - (OP) - GA PLANS & ELEVATIONS
- 21 5524 228 - REV B - SA - KINGSVILLE - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 229 - REV B - SA - WOODCOTE - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 230 - REV B - SA - WOODCOTE - (AS-AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 231 - REV B - SA - TYPE 67 - (AS-AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 233 - REV B - SA - MORESBY MAIDSTONE - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 234 - REV B - SA - ELLERTON - (AS-AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 236 - REV B - SA - SH69 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 237 - REV B - SA - SH67 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 240 - REV B - SA - KENLEY - (AS-OP) - 21.02.23
- 21 5524 241 - REV B - SA - P204 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 242 - REV B - SA - CHESTNUT - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 243 - REV A - SA - T321 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 244 - REV 0 - SA - P382 P341 - (AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 245 - REV A - SA - AUBURN - (4 BLOCK) - GA PLANS & ELEVATIONS

- 21 5524 246 - REV 0 - SA - ELLERTON - (AS-OP-OP) - GA PLANS & ELEVATIONS
- 21 5524 247 - REV 0 - SA - MAIDSTONE - (AS-AS-OP) - GA PLANS & ELEVATIONS
- 21 5524 248 - REV 0 - SA - H456 - (OP) - GA PLANS & ELEVATIONS
- 21 5524 249 - REV 0 - SA - TYPE 69 - (AS-OP-OP) - GA PLANS & ELEVATIONS
- 21 5524 250 - REV 0 - SA - SH67 - (AS-AS-OP-OP) - GA PLANS & ELEVATIONS
- 21 5524 251 - REV 0 - SA - HAZEL - (4 BLOCK) - GA PLANS & ELEVATIONS

**Other Plans**

- Landscape Masterplan 3927-1 Rev F
- Pocket Park Detailed Landscape Proposal 3927-9
- Proposed Rainwater garden Section 3927-10
- Rain Garden General Arrangement 46530 XX XX DR C 46530 P02

**Reason**

To define the permission and for the avoidance of doubt.

02

The materials to be used in the construction of the external surfaces of the development hereby permitted in Phases 1, 2, and 3 as identified on the Phase Plan WAV-PHP-01 shall be in accordance with the details on the approved Material Plan 21 5524 13 Rev J.

**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

03

Prior to the commencement of any overground development of Phase 4 as identified on the Phase Plan WAV-PHP-01 samples of the materials to be used in this phase shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

**Reason**

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

04

The boundary treatment shall be provided on site in accordance with the details of the approved Planning Layout 21 5524 01 Rev R and the approved boundary

treatment details on plan references 21 5521 23; DB-SD13-006 Rev B; DB-SD13-013 Rev D; 21 5524 22 and 21 5524 21. The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

**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/SUSTAINABILITY**

**05**

Before the development is brought into use, that part of the site to be used by vehicles shall be properly 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.

All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

**Reason**

To ensure that surface water can adequately be drained in accordance with Local Plan Policies

**06**

Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

**Reason**

To ensure the provision of satisfactory parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

**07**

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

**Reason**

No details having been submitted they are reserved for approval.

**08**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the car ports at plots 118, 124, 125, 126, 127, 133, 432, 438, 439, 440, 441 and 447 shall be made available at all times for car parking purposes and no garage doors, gates, sides, walls, extensions or other additions shall be fitted without the prior consent of the Local Planning Authority.

**Reason**

In the interests of highway safety and the visual amenity of the locality

09

The Electric Vehicle Charging Points shown on the approved Site Layout Plan 21 5524 01 Rev R shall be provided for each dwelling/car parking space prior to the occupation of each dwelling or each car parking space being brought into use.

**Reason**

To promote sustainability in accordance with the Local Plan and the NPPF.

**DRAINAGE**

10

The drainage design for the rain gardens shown on plan references 3927-10 and 46530 -054 shall be fully implemented on site in accordance with a time timetable to be submitted to and agreed with the Local planning Authority.

**GROUNDWATER/CONTAMINATION AND GROUND CONDITION**

11

Prior to the commencement of development of each phase a supplementary Geotechnical Report shall be submitted to and approved by the Local Planning Authority. The report shall provide confirmation of the foundation design for all new builds within the southern corner and north-eastern section of the site, as per the recommendations within the report entitled 'Site Investigation – Waverley Waterfront (Plots 3C, 4A and 4B)' – prepared by RSK Environment Ltd, dated May 2022, reference 350474-R01 (00). The approved details shall be implemented on site.

**Reasons**

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

12

The site has been identified as a Gas Characteristic Situation 2 and the following information shall be submitted to and approved by the Local Planning Authority.

a) Prior to above ground works commencing for each phase of the development, a detailed design report for gas mitigation measures shall be provided and shall be in accordance with the recommendations made by the consultant. The approved gas protection measures shall be installed by appropriately trained and qualified personnel.

b) Installation of the gas protection measures shall be verified for each plot and in

accordance with the pre-approved Detailed Design Report for Gas Mitigation Measures. A Verification Report shall be submitted to the Local Planning

Authority to confirm that the measures constructed/installed meet the required standards.

**Reasons**

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

**13**

Due to elevated sulphate concentrations being detected, buried concrete for the site shall be designed to a design sulphate classification of DS-4 for made ground, with a corresponding ACEC class of AC-4m. The design sulphate classification used will be evidenced within a Verification Report for the site which shall be submitted to and approved by the Local Planning Authority.

**Reasons**

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

**14**

It shall be demonstrated that suitable water supply pipes, sufficiently resistant to chemical attack from residual contaminants remaining in the ground, shall be used at all development plots across the site.

**Reasons**

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

**15**

If subsoil/topsoil is required to be imported to site for gardens or areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination.

**Reasons**

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

16

If during development works unexpected significant contamination is encountered, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement

**Reasons**

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

17

Following completion of any remedial works for each phase (including import of soils to site) a Validation Report shall be submitted to and approved by the Local Planning Authority. Each phase of development shall not be brought into use until such time as all validation data has been approved by the Local Planning Authority.

**Reasons**

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

## ENVIRONMENTAL

18

No noise generating plant shall be installed in any part of the non residential development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014+A1:2019 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve no more than 0dB(A) above the prevailing background levels, outside the boundary of the nearest noise sensitive property during the quietest measured period. The approved details shall be implemented on site.

**Reason**

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF

19

No commercial premises shall be occupied for the purpose of operating a food business until an Odour Impact Assessment including the following information has been submitted to and approved in full by the Local Planning Authority:

The report shall:

- Determine the potential of adverse impact on neighbouring premises from the odours associated with cooking;
- Detail the necessary odour mitigation measures that are required to ensure the occupiers of the nearby sensitive premises are not adversely affected by odours associated cooking odour; and
- Provided details of the proposed odour abatement system including positioning and design of extraction equipment; manufacturers details of the equipment proposed including odour abatement techniques; odour dispersion modelling as necessary to predict impact at sensitive receptors; detailed plans of the odour abatement system including external location of flues and ventilation termination points.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and part 15 of the NPPF.

#### LANDSCAPING & ECOLOGY

20

No development shall take place until an ecological design strategy (EDS) addressing mitigation and enhancement on-site has been submitted to and approved in writing by the local planning authority.

The scheme shall include, but not limited to, the following details:

- i. Purpose and conservation objectives for the proposed works;
- ii. Review of site potential and constraints;
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives;
- iv. Extent and location/area of proposed works on appropriate scale maps and plans;
- v. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- vii. Persons responsible for implementing the works;
- viii. Details of initial aftercare and long-term maintenance (typically the first 5-year period);
- ix. Details for monitoring and remedial measures;
- x. A drawing(s) showing the location of permanent bat roosting feature(s), hedgehog holes and nesting opportunities for birds.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason

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

21

Prior to commencement of development within each phase, a detailed landscape scheme for plot landscaping and verge Rain Gardens shall be

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations for the lifetime of the development, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

Each phase 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 Local Plan Policies.

#### 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 within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

#### Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Local Plan Policies.

#### 23

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and public realm areas shall be submitted to and approved by the Local Planning Authority prior to the completion or first occupation of the part or phase of development to which it relates, whichever is the sooner. The

management shall thereafter be carried out in accordance with the agreed management scheme. Note: A Management Plan may be expected to set out, graphically and / or in writing, the overall functional and aesthetic objectives of a landscape scheme and the steps such as legal arrangements including ownership and management responsibilities, planned maintenance tasks, phased works, and monitoring procedures that will be taken after implementation to ensure that the scheme establishes successfully and is sustainable in the long-term.

**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 Local Plan Policies.

**24**

Tree planting along Waverley Walk, including rain gardens and intervention points shall comprise min. 25-30cms girth semi-mature trees. Trees along spine roads outside of Waverley Walk and other POS area shall comprise min 18-20cms girth advanced Nursery stock trees. As a minimum the trees shall be prepared, supplied and transplanted in accordance with B.S. 4043.

**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 the Design Code and Local Plan Policies.

**25**

Prior to first occupation of each phase of development, a detailed hard and soft landscape scheme for the Public Open Spaces within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall be prepared to a minimum scale of 1:200. The scheme shall clearly identify the following as appropriate:

**Hard Landscape elements:**

- Existing and proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, inspection chambers, etc)
- Highway visibility requirements
- Retained existing site features and proposals for restoration, where relevant.

**Soft landscape details shall include:**

- Planting plans
- Written specifications (including ground preparation, cultivation and other operations associated with plant and grass establishment)

- Schedules of plants, noting species, planting sizes and proposed numbers / densities or planting distances
- An implementation programme.
- Written details of the responsibility for ongoing maintenance and a schedule of operations.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in 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 the Design Code and Local Plan Policies.

#### USES

26

No dwellings available for open market sale in phase 4 as indicated on the Phase Plan WAV-PHP-01 shall be occupied until all the non-residential floor space within this phase is complete and available for occupation.

#### Reason

To ensure that the non-residential floor area is brought forward at an appropriate stage of development.

27

The non-residential floor space hereby approved shall only be used for uses falling within the following Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) –

#### Class E Commercial, Business and Service

- Shop other than for the sale of hot food
- Food and drink which is mostly consumed on the premises
- Indoor sport and recreation (not swimming pools, ice rinks or motorised vehicles or firearms)

#### Class F2 Local Community Uses

- A shop of not more than 280 square metres, mostly selling essential goods, including food, where there is no other such facility within 1000 metre radius of the shop's location
- Outdoor sport or recreation (not involving motorised vehicles or firearms)

#### OTHER

28

Prior to the commencement of development of Phase 4 as shown on Phase Plan WAV-PHP-01 details of a defibrillator and a life buoyancy aid to be provided on site and a timetable for their provision shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented on site in accordance with the agreed timetable.

**Reason**

In the interest of safety and amenity

**Informatics**

01

**Environmental**

Detailed advice is available in "Control of Odour and Noise from Commercial Kitchen

Exhaust Systems" by EMAQ Sep 2018 which is an update of "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" by DEFRA 2005.

02

**Yorkshire Water**

NOTE: The closest main is of insufficient capacity / size therefore some "off site" mains laying would be required to reach the nearest water main of suitable size and capacity to serve this development; however, this has already been mentioned and addressed at the outline stages of this development, as a wider scheme. The developer should note abandoned 6" water main within boundary to eastern side of the site.

**POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2022-1806</b> <a href="https://rotherham.planportal.co.uk/?id=RB2022/1806">https://rotherham.planportal.co.uk/?id=RB2022/1806</a>
<b>Proposal and Location</b>	Increase in height of part of building from 2 to 3 storeys with rooms in the roofspace to create 4 additional apartments at Phoenix Court, 67 Blyth Road, Maltby
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



### Site Description & Location

Phoenix Court is a large Victorian building which has previously been converted into 9 apartments. It is situated to the west side of Blyth Road, and the site is surrounded by residential properties. The land slopes away beyond the site to the west.

## Background

RB1983/0070 Change of use to residential accommodation & meeting rooms for religious purposes – granted conditionally 17/03/83

RB1984/0812 Change of use to a residential care home – granted 19/07/84

RB1986/0395 Change of use to a residential care home – granted conditionally 19/06/86

RB1988/1222 Alterations & extensions to form residential home – granted conditionally 29/12/88

RB2004/0999 Conversion and extension of nursing home to form 8 apartments, conversion and extension of coach house to form a dwellinghouse and erection of 8 garages – granted conditionally 15/09/04

RB2005/1502 Conversion and extension of nursing home to form 9 apartments, conversion and extension of coach house to form a dwellinghouse and erection of 9 garages (amendment to RB2004/0999) – granted conditionally 18/10/2005. This permission was implemented and the converted coach house is now 67a Blyth Road.

RB2018/1499 - Change of use to apartment (use class C3) – REFUSED

01

The proposal would create a poor form of residential development by virtue of the substandard internal floorspace and lack of windows into principle rooms. It fails to secure a good standard of amenity and would not create a good living environment for future occupants. Accordingly, the development is contrary to the requirements of the NPPF, Local Plan Policy SP55 'Design Principles', Technical housing standards - nationally described space standard, and the South Yorkshire Residential Design Guide.

RB2019/0027 - Change of use to apartment (use class C3) - GRANTED CONDITIONALLY

RB2021/1746 - Increase in height of part of building from 2 to 3 storeys to create 2 apartments with two additional apartments in the roof space (4 in total) - REFUSED

01

The Council considers that the proposed alterations by virtue of the increased roof height together with the proportions and use of materials would be detrimental to the character of this historic building and appear out of keeping with the streetscene. As such, it is significantly harmful to the character and appearance of the area, contrary to Local Plan Policies SP55 'Design Principles' and CS28 'Sustainable Design,' and the National Planning Policy Framework.

02

The council considers that the proposed raised roof by virtue of its height, in close proximity to 67a The Coach House, Blyth Road, would appear overbearing and result in overshadowing and loss of daylight/sunlight to their front elevation. As such, the proposal would be detrimental to the amenities of the occupiers of the neighbouring property contrary to Policy SP55 'Design Principles' of the Local Plan and The South Yorkshire Residential Design Guide, as well as the National Planning Policy Framework.

A subsequent appeal was DISMISSED.

### **Proposal**

The application is for the raising of the main roof to create one full additional floor and an additional floor within the carefully designed roof space. 4No new 2 bedroom apartments will be created with three on the new 2nd floor and 1 within the roof space 3rd floor. The existing roof height is 9.5m from the external ground level to the highest point. The proposed roof height is 12.8m from the external ground level to the highest point. The proposal therefore raises the overall roof height by approx. 3.3m from the existing. The four new flats will be positioned above the existing original house area and partly over the additional extension part towards the rear. Each of the 4 flats is more than the minimum space standards requirement of 61 sqm. The extension will be built in matching stone with reflecting stone surround feature details to ensure the continuity in the fabric and outlook of the existing building is respected and matched.

The applicant has provided a materials schedule which includes natural stone and brickwork to match the host property. The proposed roofing will be improved with artificial slates, replacing the existing (non original) concrete tiles. Furthermore, sash style white UPVc windows are proposed, which reflect the building's Victorian character.

The parking area is to be altered to provide 2 additional parking spaces (increasing from 13 to 15 overall). During the submission the applicant redesigned and reduced the number of proposed overall parking spaces as they had restricted access and poor manoeuvrability.

The Applicant's Design & Access Statement States that:

The emphasis of a reflecting and matching design has been adopted. The vertical emphasis with the windows and horizontal feature stone banding has been introduced in an attempt to marry the new extended area with the existing.

Most extensions require subservience with design, extending upwards would invariably mean that "generally" subservience cannot be achieved. With this in mind we felt it was important to design the extension to create fluidity with the existing architectural features of the existing building. Proportion and material choice is key to ensure the buildings architectural integrity and design is

maintained. The 3D image produced demonstrates that this has been achieved.

The stepped nature of the site towards the rear and the lowered eaves and ridge height of the previously extended area has given rise to continuing the stepped relationship in the design. The previous extension works will with the existing building, matching in colour scale and massing whilst not competing with the main architectural features. The lowered ceiling and eaves heights of the previously extended area has created a flow with the land form. Part of the new extended roof area encroaches over the previous extension and allows the stepped form to be retained.

The stone roof and gable peak design to the front elevation with the extended long vertical window has been incorporated to break up the monotony of the front elevation and level appearance roof shape. The peak gives an interesting visual break commensurate with a Victorian style property, quite often with feature bay window detailing, Victorian buildings enjoy intermediate protruding gable features that blend in to the roof.

The Applicant's Planning Statement states that:

The proposal to raise the roof to create new housing is in line with the governments' requirements for using existing buildings to create new homes.

Materials to the walls will match the existing and will be clad in stone cladding slips with a dark grey matching roof. This approach has been accepted by English Heritage on many occasions as being a sympathetic way of extending a building upwards. The building is structural capable of being extended in this way.

The four new flats will be positioned above the existing original house area. Each of the 4 flats is more than the minimum space standards requirement of 61 sqm. The proposals will create 4 good quality, large apartments more than compliant with the National Size standards for new properties.

The site is surrounded by other residential units and as such their amenity and privacy needs should be preserved. The extended area has therefore been concentrated to the front of the building and no raising is proposed to the rear.

The distance of 25m on a 25 degree angle from the habitable windows shows there is no overlooking or loss of daylight/overshadowing that would impact on other properties.

Parking has been designed into the scheme and amendments have been made to ensure that the highway officer is content with the proposals.

Bin storage is designed into the scheme

The access will be from the main building to comply with current building regulations

The existing roof is in need of repair and will be improved to ensure it does not leak.

The new scheme is well designed and responds well and compliments the existing building. Any previous comments have been addressed and the Scheme is full complaint with National and Local Planning Policy.

### **Development Plan Allocation and Policy**

The adopted Local Plan consists of the Core Strategy which was adopted by the Council on the 10th September 2014 together with the Sites and Policies Document (adopted on 27/06/18).

The local Plan indicates that the site is in an area identified for 'Residential' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

CS14 'Accessible Places and Managing Demand for Travel'

CS28 'Sustainable Design'

SP11 'Development in Residential Areas'

SP55 'Design Principles'

### **Other Material Considerations**

Technical housing standards – nationally described space standard 2015

South Yorkshire Residential Design Guide

Emerging Maltby Neighbourhood Plan

The NPPF (as revised) states that: "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

The Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

### **Publicity**

The application has been advertised by way of individual neighbour notification letters to adjacent properties and site notice. 11 letters of objection have been received and one letter in support.

Maltby Parish Council considers that the proposed alterations by virtue of the increased roof height together with the proportions and use of materials would be detrimental to the character of the historic building and appear out of keeping with the street scene, contrary to Local Plan Policy. It adds that the

proposed raised roof would appear overbearing and result in overshadowing and a loss of daylight/sunlight to the front elevation of 67A Blyth Road.

The other objectors note:

- The site lacks adequate parking the new spaces are just remarked existing hardstanding.
- May result in additional accidents within the highway from additional traffic.
- There is no existing bus route on the road for future residents.
- The building is historic and has not been properly maintained.
- The raising of the roof height will reduce the level of natural light to adjoining dwellings.
- The raised height would appear out of keeping in the streetscene.
- The proposal will result in additional building work during the construction phase.
- The raised height would remove views enjoyed by neighbouring residents.
- The scheme could result in the felling of trees to provide room for additional car parking.
- Communal bins are not adequate for current Apartments 7. Communal bins are in view of our home and we are worried more bins will be required and where they will be placed.

One letter of support has been received from an existing flat resident:

- The increase in height would not impair any claimed from across Blyth Road because of the slope of the land and because the trees already screen any beautiful views some people claim to have.
- In the four years I have lived here I have never seen every parking spot on the site full at any one time, and I have never known an accident on Blyth Road in this vicinity.

The applicant has requested the right to speak at Planning Board.

## **Consultations**

RMBC - Transportation and Highways: No objections to amended layout which amended the parking layout to provide better manoeuvrability (and reduced the increase in parking provision overall from 17 to 15 spaces).

RMBC – Trees: No objections subject to appropriate condition.

Severn Trent – No objections subject to new hardstanding being drained by means of a soakaway where possible and an informative relating to the public sewers.

## 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 development within this Residential allocation is acceptable in principle and as such the main considerations in the determination of this application are:

- Impact upon the character of the area and host property.
- Impact upon neighbouring amenity and the amenity of future occupiers.
- Trees.
- Highways.
- Noise issues.

### Impact upon the character of the area and host property

Core Strategy Policy CS28 'Sustainable Design,' states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces.

Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Design should take all opportunities to improve the character and quality of an area and the way it functions."

SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings".

Paragraph 126 of the NPPF states that: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and

helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.”

Paragraph 130 of the NPPF states that: “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;”

The NPPG further goes on to advise that: “Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

The host property was originally a Vicarage built in the Victorian period and still retains much of its original character and proportions. The building forms an important part of the streetscene and Maltby’s history and for this reason has been put forward for Local Listing within the Emerging Maltby Neighbourhood Plan.

The previous application was refused in part as it was considered that the proposed alterations by virtue of the increased roof height together with the proportions and use of materials would be detrimental to the character of this historic building and appear out of keeping with the streetscene. In terms of the previous appeal decision the Inspector noted that the Maltby Neighbourhood Plan had not been adopted and the building is therefore not Locally Listed. The Inspector did note that the existing building was of architectural merit and the resulting extension would create a bulky, overly dominant, disjointed and conspicuous form of development that would fail to integrate satisfactorily with the existing property.

This applicant seeks to address the previous design concerns. The new submission has taken into consideration the building’s Victorian style, with the matching window detailing, appropriate proportions and feature gable often seen on Victorian properties of this era.

It is noted that Paragraph 120 of the NPPF supports opportunities to use the airspace above existing residential and commercial premises for new homes.

This reflects the Government's desire in recent years to encourage the addition of extra floors to residential buildings to provide additional housing, making better use of existing sustainable urban locations. The Government is also seeking to amend the NPPF to specifically support the use of Mansard Roofs, which is the case here, although this has not yet been adopted.

NPPF paragraph 120 specifically states that: "they should (Local Authority) allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene."

In this instance Blyth Road has a diverse mix of residential properties from bungalows to full three storey dwellings, reflecting a range of late Victorian to 20<sup>th</sup> century architectural styles and wide variety of materials. There is also a considerable change in levels between the properties on the southern side of the road and the northern side, with those on the northern side appearing much taller within the streetscene. The unifying character of the area consists of the pleasant natural stone walling and trees and hedges which gives the area a pleasant low density suburban character.

With the above setting in mind, it is considered that the raised height of the host building will not appear out of keeping in the streetscene, and it is not unusual for such a large Victorian House of this era, set within substantial grounds to be 3 storeys high with rooms in the roofspace.

#### Impact upon neighbouring amenity and the amenity of future occupiers

Policy SP55 of the Local plan states.....'this policy applies to all development proposals including alterations and extensions to existing buildings.....'

'.....regard will be had to the following when considering development proposals.....(g) the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing...'

The South Yorkshire Residential Design Guide, sets out recommendations for retaining adequate daylight and reducing the massing of new buildings.

The Council refused the previous scheme due to the impact upon No.67a Blyth Road, however the Inspector did not support this reason for refusal and stated that:

*"Given the relatively flat form of the proposed mansard roof, the existing degree of separation between the properties, and the current levels of outlook from No 67a's nearest front windows I do not consider that the extent of the additional built development would appear overbearing. I am also aware of the orientation of the appeal site in relation to the direction of the sun. However, I am satisfied that for the reasons provided above the proposal*

*would not result in a substantial increase in the amount of overshadowing to the front windows of No 67a.”*

This scheme includes a slight reduction in overall height by 500mm and the mansard roof now has a shallower pitch more akin to a standard hipped roof. This has reduced the massing to the side of No.67a. However, in addition, this new scheme includes additional raised sections of the building which will be positioned to the south and east of No.67a respectively.

It is noted that the new extensions will primarily impact upon the front window to a kitchen/diner room of No.67a. This is an open plan room spanning the whole depth of the dwelling, with large windows to the front and rear elevations of the room. As such any reduction in natural light or sense of enclosure would be mitigated by the large rear window and open aspect onto their garden. Therefore, in view of the internal layout to No67a and the Inspector’s previous Appeal decision, the overall massing of the new extension is considered acceptable and accords with the above policy and guidance, and it is not considered that the proposed extensions would have a significant impact on the occupiers of the neighbouring property.

Turning to overlooking, the host building already includes habitable windows to all elevations and as such will not result in any undue additional overlooking and retains adequate separation distances.

Finally in term of the amenity of the new flats, they will have adequate amenity in terms of their size, and the grounds of the property include a rear garden for the benefit of future residents.

### Trees

Local Plan Policy SP32 ‘Green Infrastructure and Landscape’ states that: “The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users.”

NPPF Paragraph 131 states that: “Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”

An objector has noted that the proposal will result in the removal of trees, though the Council's Tree Officer notes that the proposal does not involve the felling or pruning of any trees on site. No changes in ground levels are proposed within the existing parking area. As such there are no concerns relating to trees on site, and protective tree fencing would be conditioned should the scheme be approved.

### 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 113 that: "All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

The proposed development will provide enough parking for both the existing and proposed flats. The 15 spaces proposed overall are considered adequate for the combined 13 dwellings and would not result in undue parking within the public highway in this sustainable location close to the Maltby town centre. The existing property, 67A Blyth Road, is not within the red edge boundary and has its own separate provision of 3 spaces.

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 paragraph 113 of the NPPF.

### Noise issue for future and existing residents

The application has included a Sound Insulation Appraisal which recommends an appropriate sound insulation under Building Regulations between the flats including the existing and proposed. This will prevent disturbance between the flats.

It is noted that during the construction phase it is likely that a significant degree of noise and disturbance will occur to existing flats within the building. This is inevitable due to the significant nature of the works and the developer should work with existing occupiers to ensure that noise and general disturbance is kept to a minimum. It is not considered appropriate to condition construction management details in this instance.

Finally, it is noted that objectors have raised concerns about the capacity of the communal bins within the development. However, the applicant has confirmed that the waste generated by the 4 additional apartments can be accommodated within the existing communal bin area.

### **Conclusion**

The site is in an area allocated for residential use within the adopted Rotherham Local Plan, and as such the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, drainage, landscaping trees as well as other general amenity issues identified above. The scheme overcomes the previous reasons for refusal in terms of design and neighbouring amenity and will provide much needed market housing to meet Local Plan targets for housing development within the Plan period to 2028.

Overall the scheme is considered to be in accordance with the Development Plan and with the policies in the NPPF. As such, the proposal is recommended for approval subject to the following conditions.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing pre commencement planning conditions. Condition number 08 of this permission requires these works to be undertaken before development begins; however, in this instance the conditions are justified because:

- i. The works required under condition number 08 is fundamental to the acceptability of the development and it would be inappropriate to allow the development to proceed until the necessary works have been undertaken.

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).

Amended Site Plan 22.2992.8C

Proposed Elevations 22.2992.2C

Proposed Roof Plan 22.2992.6

Proposed Sections and 3rd Floor Plan 22.2992.7A

Proposed First Floor Plan 22.2992.3B

Proposed Second Floor 22.2992.4C

Reason

To define the permission and for the avoidance of doubt.

03

Before the development is brought into use the car parking area shown on the approved plan 22.2992.8C shall be provided, marked out and thereafter maintained for car parking.

Reason

To ensure the provision of satisfactory parking space and avoid the necessity for the parking of vehicles on the highway in the interests of road safety.

04

Before the development is brought into use, that part of the site to be used by vehicles shall be properly 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.

All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

05

No development shall take place (except for demolition) until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

**Reason**

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

06

Notwithstanding details provided under Condition 5, a sample panel of the natural stone cladding shall be provided on site and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

**Reason**

In the interests of the visual amenity of the area and security of the site and land adjacent, in accordance with the Local Plan.

07

Details of four electric vehicle charging points shall be submitted to and approved by the Local Planning Authority. The development shall not be occupied until the charging points have been provided, and they shall thereafter be retained for the lifetime of the development.

**Reason**

In the interests of sustainable development and air quality in accordance with the Local Plan and the NPPF.

08

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837\*, with tree works proposals. All trees must be plotted on a scaled site plan\*\*, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan\*\* detailing all trees and hedgerows planned for retention and removal.
- A schedule of tree works for all the retained trees and hedges specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications

- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A tree protection plan\*\* in accordance with BS5837\* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

\*Using the most recent revision the of the Standard

\*\* Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

#### Informatives

01

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

#### 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.