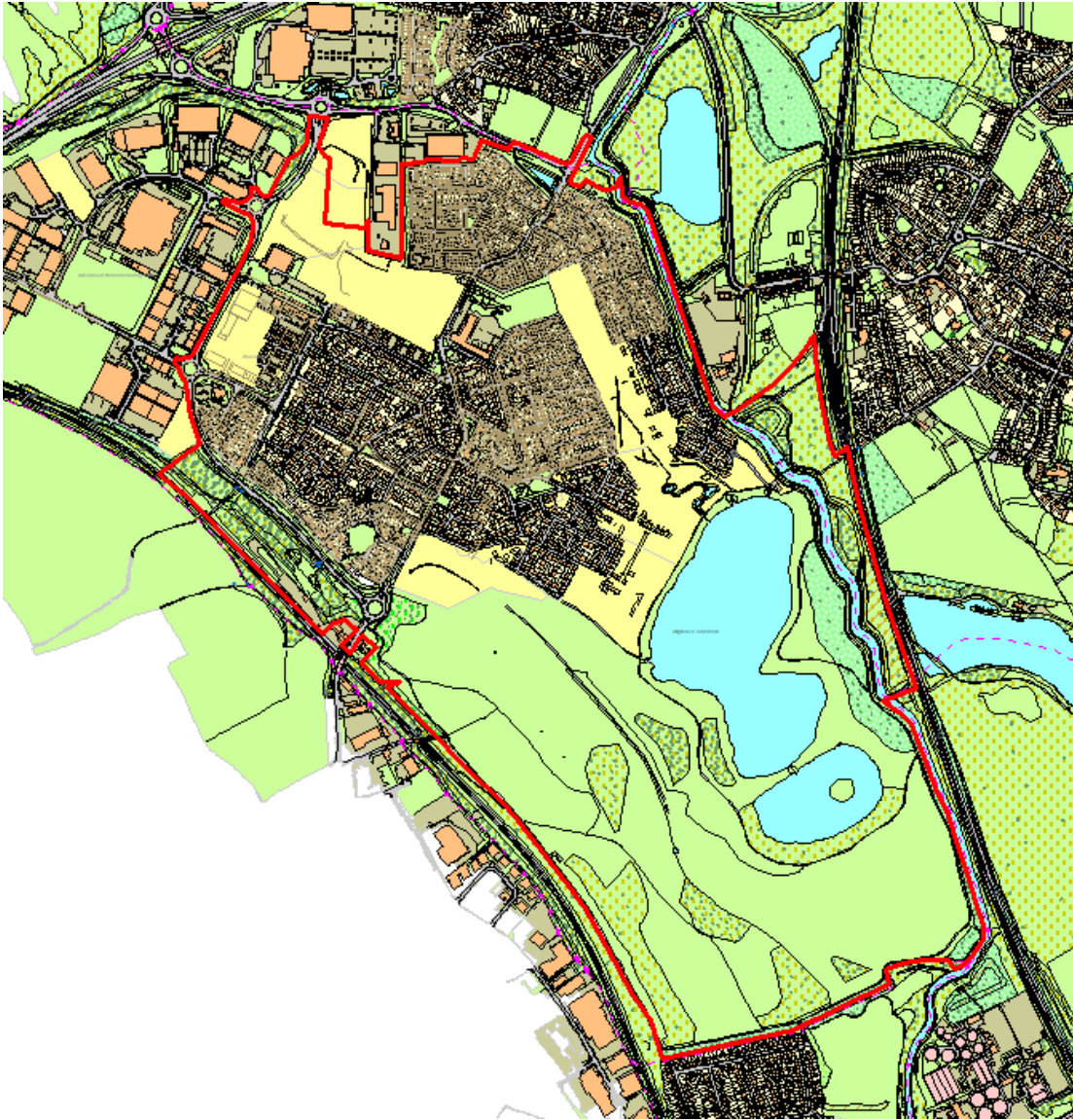


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 27 August 2026**

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

Application Number	RB2026/0633 https://rotherham.planportal.co.uk/?id=RB2026/0633
Proposal and Location	Continuation of outline application with all matters reserved except for the means of access for a new community comprising residential (up to 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 primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting with variation of Conditions 15,16,17,18,19 and 20 imposed by RB2022/1076 to update off-site highway conditions at Waverley New Community Highfield Spring.
Recommendation	A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of consolidating/amending the existing Agreement as detailed in the report. B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.

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



Site Description & Location

The entire application site occupies an area of approximately 230 hectares and comprises of the major part of the former Orgreave opencast mining site. Opencast mining operations ceased in January 2006 and following restoration construction has commenced on the New Community.

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

Background

The original outline planning application (RB2008/1372) for Waverley New Community was granted in 2011 for the following:

“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) all as more specifically listed below, 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).”

The consent has since been amended by a number of NMA applications and seven S73 planning applications, the seventh S73 being in 2022 (RB2022/1076) (hereafter referred to as the ‘current outline planning permission’) which granted consent for the following:

“Application to vary condition 28 imposed by RB2017/0743 to update the approved Surface Water Strategy at Waverley New Community off Highfield Spring Waverley Rotherham”

Non Material Amendment application RB2024/0784 was approved in July 2024 and amended the description of the development of RB2022/1076 to include the full description as below –

“Continuation of outline application with all matters reserved except for the means of access for a new community comprising residential (up to 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 primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting with variation of Condition 28 imposed by RB2017/0743 to update the approved Surface Water Strategy”

Since the development has progressed and since the granting of the Section 73 outline application in 2017, RB2017/0743, the following NMAs have been approved which are relevant:

- RB2019/0485: Non-material amendment to amend the trigger within Condition 17 from 805 dwellings to a timescale of 30th September 2020.
- RB2020/0658 – Non-material amendment to amend the triggers within Condition 14 from 1,200 to 1,400 dwellings; Condition 17 from 30 September 2020 to 30 June 2021 and Condition 19 from 1,000 to 1,200 dwellings.

- RB2021/1098 – Non-material amendment to amend the trigger for Condition 17 from 30 June 2021 to 30 June 2023.
- RB2024/0948 – Non-material amendment to amend the trigger for Condition 17 from 30 June 2023 to 30 December 2024
- RB2021/1700 – Non-material amendment to amend the outline consent's description of development to insert the words 'up to' in front of the wording 3,980 units and to remove the words 'no. 2 form entry' in relation to the two schools.
- RB2022/1398 – Non-material amendment to amend the conditions which reference the Master Plan Framework and Principles Document to update the document in accordance with what has been built out on site to date.
- RB2024/0784 – Non-material amendment to alter the description of the development (as above) and to remove condition 14 which originally required improvements to B6066 Highfield Spring/Brunel Way (AMP North) junction.
- RB2025/0021 – Non-material amendment to amend the trigger for Condition 17 from 30 December 2024 to 31st December 2025.

Environmental Impact Assessment

When Waverley was originally granted outline planning permission in 2011 (reference RB2008/1372) the planning application was based on a series of schedules and parameters which were subject to an Environmental Impact Assessment (EIA) and documented in the Environmental Statement (2009) (ES).

As set out in Paragraph 16 of the PPG, where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original ES to satisfy the requirements of the Regulations. It is noted that no changes are sought in relation to the quantum of development, development parameters or land uses permitted in the development description.

The LPA consider that the proposed development falls within Schedule 2 (10)b 'Urban Development Project' of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017. With regards to Column 2, the site exceeds the 5ha threshold. The proposed development is considered to have the potential to give rise to significant environmental effects. Accordingly, the proposed development is regarded as EIA development and is subject of an environmental impact assessment (EIA) under the EIA Regulations.

The original 2009 ES was based on the key elements of the illustrative masterplan and corresponding maximum parameters. In this respect an ES addendum has been submitted in support of this application to confirm that no updates to the original ES and its technical chapters are required as part of this Section 73 application.

Proposal

The application seeks permission under S73 to vary conditions attached to the outline permission as well as amendments to the S106 Agreement linked to the permission. This application seeks amendments to Conditions 14, 15, 16, 17, 18, 19 & 20, which all relate to Highway related issues.

Amendments sought to the S106 Agreement relate to issues regarding Highways, Education and Green Space provision.

The amendments are sought at this time to take into account of the stage that the development is at and to consolidate changes which have previously been approved through separate Section 96a Non Material Amendment applications.

The relevant planning conditions as appear on RB2022/1076 are as follows –

Condition 14

No more than 1400 No. dwellings shall be occupied on site until the proposed improvement to B6066 Highfield Spring/Brunel Way (AMP North) as indicated on plan No. PO-CE-WYG- PL100 Rev C have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning authority.

Reason

In the interests of highway safety.

Condition 15

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

Reason

In the interests of highway safety.

Condition 16

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

Reason

In the interests of highway safety.

Condition 17

No dwellings shall be occupied on site after 30 June 2023 until the proposed improvements to B6066 Main Street/B6067 Treeton Lane, Catcliffe, as indicated on plan No. PO-CE-WYG-01-SK28, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

Condition 18

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

Reason

In the interests of highway safety.

Condition 19

No more than 1200 No. dwellings shall be occupied on site until the proposed improvements to B6200 Retford Road/Rotherham Road junction as indicated on plan No. PO-CE-WYG-01-SK30, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

Condition 20

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

Reason

In the interests of highway safety.

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 1 Waverley New Community under Policy SP14 in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS14 Accessible Places and Managing Demand for Travel
SP14 SPA1 Waverley New Community
SP26 Sustainable Transport for Development

Other Material Considerations

The NPPF (as revised on 17/08/2026) 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 on site by 8 site notices and in the press as being EIA development, and the Planning Casework Unit has also been notified of the application.

83 representations have been received which have been summarised below -

School Issues

- School provision on the estate is already undersubscribed so loss of second school should not be removed as there will be further under provision on the future. The school is not big enough for the size of the estate.
- This year 49 applications for Waverley Junior School were rejected, 29 of those were in the catchment area
- Those houses on earlier phases are further from the school and so are less likely to get a space even though they have lived here longer, as new houses are built closer to the school
- This means that children who do not secure a place at Waverley school are unable to walk to school and increases car journeys which is unsustainable
- Harworth wont build the second school but have secured themselves 2 offices locally, so residents should be given the same consideration as commercial interests
- Transparent evidence is needed to justify the loss of the second school before a decision is made

Highway Issues

- A further zebra crossing should be provided by the school
- Proposed traffic calming measures are inadequate and do not reduce speeds
- Updated traffic review and pedestrian review should be undertaken
- Cumulative effect of repeated amendments is a piecemeal erosion of the original obligations and conditions and should not be allowed
- Removing highway conditions will reduce to highway safety

Other issues

- The ES addendum is not adequate and does not address significant environmental effects – educational, social and transport

Summary of Cllr Baggaley representation -

- Housing numbers listed in the submission are confusing
- Plans of Highfield Lane are incorrect and do not show the whole road

- Concerns are raised about junctions with roads joining Highfield Lane, and speeding on the road
- Additional speed reduction measures and zebra crossings should be provided
- Condition 16 – often queues particularly with M1 closures and diversions – how will traffic calming measures deter drivers cutting through
- Condition 17 - any scheme to reduce traffic going through Catcliffe should take into account the no access route on Sheffield Lane that is increasingly used a cut through. I would really like to see some improvement on the B6066 to improve pedestrian access, reduce speeds and deter the use of Catcliffe being a cut through when other routes are congested/closed.
- The Traffic Counts seem to have been conducted in 2022 and are now 4 years old – should they be refreshed?
- Are proposed changes in Sheffield Local Plan taken into account within the traffic surveys?
- Residents of the earlier phases are being impacted due to the location of the school, and would welcome a discussion with school admissions before the 2nd school is removed. The school places issue impacts siblings.
- In relation to the money for East Park there should be provision that the money is for Waverley Wanderers given the location of the park outside RMBC boundary.

Summary of Waverley Community Council representation -

- The extended school is already oversubscribed so the removal of the second school is very disappointing.
- New houses being built close to the school is having a significant impact on families who live on earlier phases of the development
- Opportunity has been missed to upgrade crossing points, especially for an additional crossing point opposite the Community Gardens.
- The Youth Shelters must be built alongside Highwall Park as opposed to the end of the project.

There are 6 requests to Speak at the Planning Board meeting. The applicants agent, Cllr Baggaley, Waverley Community Council and three local residents.

Consultations

RMBC Transportation Unit – No objections to the proposed amendments.

RMBC Access to Education – No objections

RMBC Green Spaces – No objections

SCC Transportation- No objections

National Highways – No objections

Environment Agency – No objections

Natural England – No comments received

Appraisal

Section 73 of the Town and Country Planning Act 1990 allows applications to be made to make material amendments to planning applications by varying or removing conditions associated with the planning permission. There is no statutory limit on the degree of change permissible to conditions under Section 73 of the Act, but the Planning Practice Guidance confirms that the change must only relate to conditions and not to the operative part of the permission.

The principle of the proposed development has already been established by the original outline planning permission RB2008/1372 for Waverley New Community which has since been varied via seven previous S73 planning applications the most recent being RB2022/1076. This planning application can only consider the proposed changes/amendments to the previously imposed planning conditions and amendments to the S106 Legal Agreement.

The main considerations in the determination of the application are:

Amendments sought to the Planning Permission

- Highway Safety Issues

Amendments sought to the S106 Agreement

- Highway Safety Issues
- Education Issues
- Open Spaces Issues

Amendments sought to the Planning Permission

Highway Safety Issues

Chapter 15 Section TR6: Paragraph 4 of the NPPF states: "Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement."

This application seeks permission to vary/remove certain planning conditions attached to RB2022/1076.

The Councils Transportation Unit has been consulted on the application as have Sheffield City Councils Highways Team and National Highways and their comments are included below when relevant to each condition –

Condition 14 –

No more than 1400 No. dwellings shall be occupied on site until the proposed improvement to B6066 Highfield Spring/Brunel Way (AMP North) as indicated on plan No. PO-CE-WYG- PL100 Rev C have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning authority.

- Proposal is to remove the condition

Non-Material Amendment application RB2024/0784 was approved 22-07-2024 and this removed Condition 14 from the permission. The application demonstrated that the changes to the Waverley development since the original consent along with improvements to highway junctions no longer required the proposed amendments to the roundabout on Highfield Spring / Wallis Way / Brunel Way as required by condition 14. This application purely seeks to update the permission to remove of the condition from the decision notice.

Transportation Unit – No objections

Condition 15 –

Details of the proposed improvements to the B6533 Poplar Way/B6066 Orgreave Road, as indicated in draft form on plans Nos. H-PL-09 and PO-CE-WYG-PL09 shall have been submitted to and approved by the Local Planning Authority and shall be implemented prior to any vehicular use of the southern arm of the junction, other than for construction purposes.

- Proposal is to remove the condition

The condition has already been discharged and the works required have been implemented and are subject to a Section 278 Legal Agreement with RMBC Transportation.

Transportation Unit – No objections

Condition 16 -

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

- Proposal is to amend the condition to read –

A traffic calming scheme shall be provided on Highfield Lane as indicated in draft form on Drg No 240818C-0000-001 A and shall be provided prior to the occupation of 2,200 homes.

The original mitigation was intended to permit greater traffic flows onto Highfield Lane and also the planned Waverley Link Road. Current guidance seeks to reduce vehicles where possible in residential areas in order to ensure safer environments and encourage more sustainable travel (walking/cycling). Taking this into account and in order to try and reduce flows through the residential area and also to help reduce vehicular speeds to a minimum it is considered that traffic calming Highfield Lane would be a more appropriate scheme.

Through meetings with the applicant and their agents RMBC Transportation Officers have agreed a suitable scheme that finishes adjacent to the school as Highfield Lane

is considered to not require any additional measures from this point as the highway both meanders and has traffic calming in the form of raised tables.

Transportation Unit - No objections to the proposed change in the wording of the condition so this can be provided by the developer as part of the S38 agreement with FRMBC.

Condition 17 –

No dwellings shall be occupied on site after 30 June 2023 until the proposed improvements to B6066 Main Street/B6067 Treeton Lane, Catcliffe, as indicated on plan No. PO-CE-WYG-01-SK28, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

- The proposal is to remove the condition

The trigger date in this condition has been updated on 3 occasions via NMA applications. It is proposed to remove condition 17 and replace it with a commuted sum which will be included within the outline Section 106 agreement. This will be achieved through the amended Deed of Variation, by inserting an obligation to facilitate a payment from the Applicant to the Council towards a traffic calming scheme along the B6066.

The commuted sum is for the implementation of a traffic calming scheme along the B6060 Whitehill Lane and also for improvements to pedestrian facilities at the Main Street / Treeton Lane roundabout, this is as a result of the

- 1) Reduction in dwellings on site from 3,890 to 2,783 homes (over 1,100 homes)
- 2) Change of planning consents on Highfield Commercial which reduces vehicle trips and updates to committed developments within the vicinity of Waverley
- 3) Change of phasing of housing parcels on site.
- 4) Physical changes to the off-site junctions.
- 5) Update to the highway network surrounding Waverley

It is considered that traffic calming in this area would help deter cars using this junction together with pedestrian upgrades to the junction itself. The Council have agreed to accept a financial commuted sum of £275,00 to contribute towards the traffic calming scheme along the B6066 Main Street to slow and deter vehicle movements through the junction

Condition 18 -

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

- The proposal is to amend the condition to read –

The proposed pedestrian improvements to B6066 Highfield Lane/Orgreave

Lane/Rotherham Road junction will be carried out in accordance with approved plans 240818-000-001, 240818-1100-001, 240818-0200-001 and 240818-4000-001 before the occupation of the 2,250 dwelling.

Transportation Unit – No comment as the junction is within Sheffield City Council boundary.

The junction is located to the south of Waverley on the Sheffield border. Trip forecast data and the strategic modelling have confirmed that all arms of the junction are forecast to operate within theoretical capacity in the AM peak in 2036; the predicated date for completion of Waverley New Community.

In the PM peak, the approach from Highfield Lane is expected to be approaching capacity with a ratio of flow to capacity of 92% associated with the right turn to Orgreave Lane. Although this is above the target of 85%, the introduction of physical mitigation measures for one hour in the day by 2036 is considered to be out of proportion and therefore no vehicle carriageway mitigation works are required at this junction.

Although no mitigation works for vehicular traffic was required at this junction, the original improvements to this junction included provisions for pedestrians which will still be implemented. Pedestrian improvement works include the widening of the existing pedestrian island on Orgreave Lane (west) which would provide a suitable pedestrian solution without impacting on traffic flows through the junction, and a new crossing point on Rotherham Road (south of the junction) to link in with the existing crossing along Orgreave Lane (east).

This detail has now been submitted and discharged however the works have not been implemented yet, therefore a compliance condition in accordance with the submitted and approved plans is proposed.

Sheffield City Council Highways Team raise no objection to the proposal.

Condition 19 –

No more than 1200 No. dwellings shall be occupied on site until the proposed improvements to B6200 Retford Road/Rotherham Road junction as indicated on plan No. PO-CE-WYG-01-SK30, have been implemented in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

- The proposal is to remove the condition

Transportation Unit – No comment as the junction is within Sheffield City Council boundary.

The Retford Road/Rotherham Road junction is located within the boundary of Sheffield City Council. The current wording of the condition and approved plan requires a number of additional lanes to be added on the Retford Road approaches with considerable works to the junction. Due to the reduction in homes across the site, traffic data and junction modelling has determined that the junction could

accommodate the development traffic with a reduced and more efficient scheme limiting the lanes being provided.

However, a planning application was submitted and approved by Sheffield City Council (Lidl) in 2020 for a food store just off this junction. This food store, accessed via Rotherham Road, was designed independently of the Waverley New Community. The scheme was approved without reference to the proposed improvements to Retford Road shown on approved plan.

As part of the food store application and its Road Safety Audit, Sheffield City Council approved a signalised junction layout that significantly differs from the Waverley approved scheme and conflicts with the design approved in 2011.

It is understood that the food store development has now been implemented and a Section 278 agreement has been signed between the developer and Sheffield City Council, rendering the delivery the plan listed in the condition unimplementable and unfeasible – it is therefore no longer implementable.

In 2025 pre-application enquiry, which includes comments from SCC was approved, in which confirmation that the removal of the condition would be acceptable as the most appropriate and deliverable solution given the condition is no longer necessary, relevant to the permission, and most notably it is not achievable.

Sheffield City Council Highways Team raise no objection to the proposal and have confirmed that the works conditioned as part of the Lidl development have been completed on site.

Condition 20 –

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

- The proposal is to remove the condition

Transportation Unit – No comment as the junction is within Sheffield City Council boundary.

The condition does not have a trigger and at the original outline stage it was yet to be determined if mitigation was required on this junction. Given the number of dwellings on site has now significantly reduced by over 1,100 homes and the vehicle trips considerably reduced to those forecast in 2008 an assessment and mitigation to this junction is not considered required or necessary.

Sheffield City Council Highways Team raise no objection to the proposal.

Issues Raised by objectors

Numerous issues have been raised by objectors regarding highway safety matters. The main objections relate to Highfield Lane, proposed traffic calming measures not

included on the whole of the road, the need to reduce speeds, incorrect visibility splays and the need for an additional zebra crossing close to the school.

In this regards the Transportation Unit have stated that due to the nature of the bottom part of Highfield Lane as a result of the alignment and existing raised tables it does not require traffic calming, and that this section was looked at as part of the process. Additionally, they have confirmed that all visibility splays are in accordance with industry standards.

In relation to objections regarding speeding along Highfield Lane, it is for this reason that the condition was originally attached and that the proposed works are to be carried out, to provide traffic calming measures along the road. Additionally, the Transportation unit have stated that the request/need for an additional Zebra crossing to be provided close to Lescar Road will be monitored and assessed once the traffic calming proposals are fully implemented.

There are objections that traffic count surveys are outdated as they were carried out in 2022, and that cumulative changes over time are eroding conditions which could lead to traffic safety implications. The traffic surveys have been undertaken in relation to discussions with RMBC over the implementation and amendments to conditions which has been ongoing for several years, and it is considered that the survey dates are appropriate for when the alternative schemes were first considered. The development is very large and as such takes many years to be built out on site, changes to the proposed development as well as changes surrounding the site need to be taken into consideration as the development progresses.

An objection has been received regarding difficulties on the roads when there are M1 closures, traffic being diverted off the M1 is likely to impact any adjacent local road systems, however in general terms it is considered that the traffic calming of Highfield Lane and then that B6066 will reduce traffic numbers as drivers will find more suitable routes.

A representation references the consideration of highways in Sheffield due to the proposed amendments to the local plan, and them being taken into account within the traffic surveys. Only committed schemes are considered but general growth factors are used when predicting future traffic growth.

Taking into consideration the above, it considered that the proposed amendments to the conditions listed are acceptable from a highway safety point of view, there are no objections from RMBC Transportation Unit or Sheffield City Council Highways Section.

ES Addendum

As noted above in the report the original outline planning permission was EIA development, and as such this application is considered EIA development and has been supported by an ES Addendum. This document notes that this S73 application seeks either to remove or make minor modifications to conditions on the original permission, and that a review by a competent professional of the earlier ES had

confirmed that the proposed amendments do not alter the significance of the environmental effects identified.

The document goes through the environmental effects identified and updates any effects that the amendments sought in this permission would cause. The changes to the planning permission relate to off site highway works and it is noted that therefore, that the changes would not impact the conclusions of the previous ES and as such its conclusions remain valid in the context of this S73 application, since the proposed amendments are of an extent equal to or less than the original conditions set out in the 2011 Permission.

An objection has been received on the grounds that the ES Addendum is not adequate for the purposes of determining this application, however due to the size of the approved development, and the relatively minor nature of the amendments sought at this time the Local Planning Authority are content that the amendments sought to the highway conditions have been considered and, and that they would not result in the identified environmental effects of the development being significantly altered. It is therefore considered that the ES Addendum is acceptable to support this application.

Amendments sought to the S106 Agreement

The original permission was subject to a Section 106 Agreement which contained various obligations in which the Applicant/Landowner together with the Council needed to adhere to.

The consent has since been amended by a number of Section 96a and seven Section 73 planning applications, the seventh Section 73 being consented in 2022 (RB2022/1076). Many of these applications have had associated DOV's to the S106 to address the amendments sought if there were implications on the Section 106 as a result of the changes proposed to the consent. In total, there have been 10 DOV's to the original Section106. In 2022, the S106 was consolidated with all amendments from the previous eight DOV's in a single document for ease of reading and reference.

Since 2022, there has been one further DOV in 2024.

The amendments sought in this DOV therefore relate to the Consolidated 2022 S106 Agreement DOV and its subsequent 2024 amendment.

As part of the amendments sought to planning conditions 14, 15, 16, 17, 18, 19 & 20 through this Section 73 application a Deed of Variation is required to update the S106 Agreement to insert the commuted sum required in the place of Condition 17 as detailed above in the report.

The Applicant has therefore also sought to rationalise and confirm a few other matters within the S106 through this DOV, many of which include matters already approved in previous applications or through agreement with the Council.

The amendments sought within the Section 73 DOV are assessed as follows:

Highway Safety Issues

As noted above in the report the original permission has been amended by a number of Non Material Amendment applications and seven Section 73 planning applications.

Proposed Highway Amendments

- Add in an obligation into Schedule 5 for the Applicant to pay a Commuted Sum for Condition 17 of £275,000 to contribute towards a traffic calming scheme along the B6066 Main Street to slow and deter vehicle movements through the junction.

This has been addressed above in the report and is considered acceptable in Transportation Terms.

- Remove Schedule 5, Part 4 which relates to Part 4 - Highway improvements to M1 J33 as this has been confirmed to not be required by the Council and National Highways.

In relation to this there have been various works to the junction over the last 10 years including the upgrade of the junction, the opening of the Motorway Service Area and the Parkway widening scheme which have all increased the capacity of the junction and flows of traffic through it.

National Highways have been consulted on this application and have acknowledged that, through a combination of Rotherham Borough Council and National Highways upgrade works these obligations have already been delivered and therefore this obligation is no longer required. They therefore have no objection to its removal.

- Remove Schedule 6: Link Road Land – obligation to reserve the land expired in March 2026 therefore given no request has been made to continue to reserve the land, this obligation can be removed.

Schedule 6 requires land to be reserved for a Tinsley Link Road for a period of 15 years from the signing of the original agreement. The 15 years period for reservation of this land expired on 3rd March 2026 and there have been no request made to reserve this land beyond the 15 year period and there are no plans to implement the link road.

There is therefore no objection to the removal of this obligation.

- Remove Plans at Appendix 4 and 5 and their references/definitions – (Link Road Plan and J33 M1 Motorway Junction Plan)

These relate to the matters addressed immediately above, and as such there is no objection to their removal.

- Amendment to Plan at Appendix 3 – all junction improvement locations to be updated in line with the junctions set out in the amended conditions.

Plan 3 at Appendix 3 of the Section 106 shows all the off-site highway works required by the S106 Agreement. Given there are various obligations being amended and deleted as a result of the DOV and Section 73, Plan 3 at Appendix 3 has been updated to reflect the amendments sought. Plan 3 at Appendix 3 will therefore be replaced.

Education Issues

Amendments related to education issues are not proposed as part of the changes sought to the planning permission, however this application seeks changes to obligations within the Legal Agreement to reconcile matters already previously approved through separate Section 96a Non Material Amendment applications.

The original Outline Planning Permission for Waverley New Community (RB2008/1372) included in its description "...2 no. 2 form entry primary schools...". The approved Parameter Plan 3: Land Use Plan showed the location of the two schools in the Waverley Central and Highfield Spring design code areas.

The S106 Agreement also set out the financial contributions and obligations required for these two, 2.no form schools under Schedule 8, together with definitions of the schools and the plots.

Schedule 8: Education Contribution and Primary School Plots sets out the triggers for the Education Contribution to be paid. It was worded so each school receives 50% of the payment and each school receives the payments in two instalments; 5% and then 45% based on occupation of dwellings.

The location of the two schools were updated in the Masterplan Framework and Principles document (August 2014) approved under the fourth Outline Planning Permission (RB2014/0775) which replaced the original approved Design and Access Statement and Parameter plans. This located the schools in the Waverley Central and Waverley Waterside code areas. These locations remained in the update to the Masterplan Framework and Principles document (September 2017) approved under the sixth Outline Planning Permission (R2017/0743).

As part of the sixth Section 73 application, a S106 Agreement Deed of Variation was submitted and approved. As part of this Deed of Variation the schedule of changes included updated wording for Schedule 8 relating to education. The wording was varied to reflect that the 5% payment for School 1 had been paid (£736,722.44) and the triggers for the second payment (45%) of the first school was uplifted to the occupation of the 750th dwelling. The Deed of Variation also added further clarity and definitions with relation to the procurement process of the school, together with its construction and planning process in response to the BCIS index uplift.

Following payment of the first school instalment to the Council, the Council instructed a design team and a bid process with education providers to deliver the school. In early 2018 Aston Education Community Trust were announced as the education partner and the design process evolved.

A design code was submitted to RMBC by the Education Team at RMBC in July 2018 and was approved on 10th August 2018 under a discharge of conditions application for the sixth Outline Planning Permission (RB2017/0743).

At this time the applicants, Harworth began regular meetings with the Councils Education department and became involved in the design process and the education strategy for Waverley.

It was agreed by both RMBC and Aston Education Community Trust that 4.no forms of primary school provision would not be required at Waverley unless dwellings exceeded 3,250 dwellings.

The design of the primary school evolved based on these discussions, and whilst a Reserved Matters application was submitted for a 2no. form primary school, the communal areas such as the School Hall, the Kitchens and the layout of the school would be designed to accommodate a third form given it was not envisaged dwellings would exceed 3,250 requiring the 4th form and second school.

This was approved by the RMBC Cabinet together with the proposal to uplift the second primary school triggers in the S106 Agreement. It was reported to Cabinet on 17th December 2018 and was signed off.

A Reserved Matters application for the primary school was submitted on 2nd October 2018, pursuant to the sixth Outline Planning Permission. The application was reported to planning committee on 31st January 2019 and was approved conditionally under reserved matters RB2018/1525. The primary school was built and opened in September 2020 to pupils.

To rationalise the proposals to Cabinet in December 2018, a Deed of Variation to the S106 Agreement was submitted in late 2019 which included changes to Schedule 8: Education Contribution and Primary School Plots.

The Deed of Variation changed the triggers for the second primary school as follows:

- 5% payment trigger uplifted from 1,550th dwelling to the 2,350th dwelling; and
- 45% payment trigger uplifted from 1,750th dwelling to the 2,600th dwelling.

The Deed of Variation was approved on 10th March 2020.

In 2022 a Section 96a Non Material Amendment application (RB2021/1700) was approved which removed the requirement for two 2. Form primary schools. This was a result of reviewing densities on site and discussions with Aston Academy who expressed the requirement to have the third form of provision at Waverley to be on the same school site. This amendment was sought and the application enabled that in the event 3,250 units or under are delivered, only three forms of primary school provision had to be provided (as previously agreed in 2018).

If 3,251 units or more are to be built a second school providing a single form would need to be delivered. The DOV also set out the financial contribution for the third form of entry at the Primary School 1 site.

Land for the second primary school was retained for a fourth form if densities on site did exceed 3,250 homes and the land was shown on the updated masterplan in the 2022 Masterplan Framework and Principles document. The S106 Agreement was also updated to accord with revised definitions and triggers. The S106 Agreement required the owner to serve School 2 Notice prior to the occupation of 2800 Dwellings confirming if dwellings on site would exceed 3,250. When the notice is served, the S106 Agreement confirms that there shall be no requirement on the owner to provide Primary School 2.

The school notice was served by the owner on the Council on 15th December 2023 and confirmed housing numbers would not exceed 3,250 dwellings. The third form of entry has now been built of Primary School Site 1 and the contribution awaiting final payment.

The amendment to the S106 Agreement is sought to remove the reference to the second school which as detailed above has already been approved.

In this respect the applicant has provided housing numbers at the site which include all houses within the Waverley outline application site as well as additional houses built on the area outside the outline site referred to as Highfield Commercial. They have also confirmed that all parcels have now received detailed planning consent. This demonstrates that the number of houses to be built is 3,022.

Amendments proposed to the S106 Agreement are to -

- Update Schedule 8, Part 6 to confirm the school notice has been served.
- Remove reference to School 2 and confirmation the notice has been served.

The Councils Access to Education Section in Children and Young People Services have been consulted on this proposed amendment and they have confirmed that they agreed to the removal of Primary School no. 2 from the S106 Agreement in June 2022 based on the proposed number of homes to be built at Waverley being below 3,200.

As noted above this was approved by Cabinet after a report taken by the Head of Access to Education in 2022. The Cabinet Report outlined the situation as it was at that time with Waverley Primary being oversubscribed and 21 children within the catchment area being refused a place under the oversubscription criteria applied in accordance with the Department for Education (DfE) School Admissions code 2021. These children were placed in nearby schools.

The Report outlined that whilst pupil numbers at Waverley were to remain above the number of places at the school, the number of pupils in the local area overall within the planning area was decreasing. Therefore, in line with the DfE's definition of a 'reasonable offer' RMBC could make a reasonable offer of a school place to pupils.

Through discussions with the DfE they held a firm position that any further places added at Waverley Junior Academy would:

- Destabilise other schools financial viability
- Add additional surplus capacity across the planning area
- Require Regional Schools Commissioner and Headteacher Board approval – and given the current surplus capacity across the planning area would not be approved for the reasons above and also because a reasonable offer of a school place has been made to all children refused a school place at Waverley Junior Academy by DfE definition of a reasonable offer.

It was at this time that the decision was taken, and approved by Cabinet, to vary the S106 Agreement to bring the trigger points forward to fund a 3rd form entry at Waverley Junior Academy, and that the addition of another school would have a significant impact on neighbouring primary schools and destabilise the local school system.

This amendment to the S106 Agreement has already been approved and this application seeks only to update the S106 Agreement with the approved amended wording.

The majority of the objections received to this planning application are in relation to the amendment sought to the S106 Agreement relating to the removal of the second school/school places. These relate to children living on the estate not getting places in Waverley School which means that children have to travel to nearly schools which is not considered acceptable or sustainable to residents; increased numbers of houses being constructed close to the school means more and more children, especially on early phases of the development are not securing school places; residents feel they have been misled by the developers in relation to the provision of schools at the site. Ultimately objectors say that a second school is needed.

Unfortunately, when the application was submitted as this issue was not directly linked to the conditions or the permission it was not fully addressed in the submission. Since this time the applicant has submitted further information regarding the matter, which clearly demonstrates that the obligations in the S106 Agreement relating to the schools – ie the serving of the school notice and the removal of the reference to School 2 have already been approved 2022, as explained in detail above.

This S73 planning application is purely being used as a way to update and provide a consolidated Deed of Variation to the S106 Agreement.

As summarised above the matter regarding school places in Waverley and the Local Area have been thoroughly assessed by RMBC Access to Education Department in consultation with the DfE who guide the process/procedures regarding school admissions. The educational provision at Waverley is therefore not under consideration at this time, the amendments have already been approved and this application only seeks to update the document in this regard.

Open Space Issues

The amendments sought to the S106 Agreement in relation to Green Spaces are to –

- Amend Paragraph 7 of Schedule 10 to allow for relocation of the Youth Shelters to Phase 3 of Highwall Park.
- Amend paragraph 3 of Schedule 10 which refers to the maintenance and improvement works to the adult football pitch in the vicinity of Woodhouse Mill – to change the location in line with a previous agreement and sign of from Rotherham's Board to facilitate Waverley Wanderers at East Park.

In relation to the Youth Shelters the requirement in original agreement was -

- *To provide a Youth Shelter prior to the completion of the 915th Dwelling in the vicinity of the Multiple Use Games Area described in paragraph 2 subject to a maximum expenditure of twelve thousand five hundred pounds (£12,500).*
- *To provide a Youth Shelter prior to the completion of the 2865th Dwelling in the vicinity of Primary School 2 subject to a maximum expenditure of twelve thousand five hundred pounds (£12,500).*

Through discussions with RMBC it had been agreed that it would be beneficial to have enhanced seating areas for the teenage age range, particularly girls who were seen to not benefit from as many of the other play provisions. As such it has been agreed that covered seating areas such as pergolas which would act as Youth Shelters but would be visually enhanced and more attractive would be provided to address these obligations.

The first Youth Shelter required by Schedule 10 provision 6 is permitted and has been provided next to the MUGA in Phase 2 of Highwall Park, (although this is already in situ on site, this section of the park is not yet completed and open to the public).

In relation to the second seating area this is proposed Phase 3 of Highwall Park adjacent to the LEAP play area. This is in a well lit area and in close proximity to Olive Lane Mixed Use Centre and the core facilities within Waverley. It is therefore considered this is an appropriate location for a youth shelter.

The Green Spaces Manager has confirmed that the amendments provide safe, welcoming, and covered seating areas rather than traditional 'bus-type' youth shelters is acceptable and that the proposed locations are appropriate also.

There are therefore no objections to the proposed amendment to the S106 Agreement in relation to the provision of the Youth Shelters.

In relation to the proposed amendment to the S106 Agreement a rationalisation is to be included to the obligation relating to adult football pitches.

The original S106 Agreement provision 4, states –

- *Prior to the completion of the 1880th Dwelling Phase 2 to pay to the Council the sum of one hundred and four thousand pounds (£104,000) towards the cost of maintenance and improvement of two adult football pitches in the vicinity of Woodhouse Mill.*

This monies has been paid by the applicant, however RMBC have agreed to spend the money at East Park football pitches and so want to clarify this is by amending the wording. This contributed was included in the original S106 Agreement to mitigate the impact of Waverley New Community. Playing pitches at both Woodhouse Mill and East Park were considered when looking to allocate the funds, and together with Sheffield City Council it is agreed that East Park is the favoured option to enable it to be brought back into use for sports and recreation. It is important to note that Waverley Wanderers football club currently play at Woodhouse Mill but are looking to move from this site due to a lack of available parking and other issues such as balls going into peoples gardens that result in complaints from residents. They are keen to move to East Park and use this as their home ground where they will benefit from additional parking and there is the ability to expand the site if Waverley Wanderers club grows over time.

The amendments to the S106 Agreement seek to amend the wording for clarity in line with the already approved decision to spend the funds at East Park which where Waverley Wanderers are to relocate too, approved by the Leader 2nd June 2025.

Conclusion

The principle of the New Community has been previously established and Policy CS1 identifies Waverley as a Principal Settlement and acknowledges that planning permission has been granted for the homes with supporting services and facilities. This current application does not seek to amend the fundamental outputs of the approved development and is therefore considered to be acceptable in principle.

Taking into consideration the issues outlined above, it is considered that the proposed amendments to the planning conditions are acceptable in Highway Safety terms, with no objections being raised from RMBC Transportation Unit, SCC highways or National Highways. It is also noted that many of the decision have already been made, and infrastructure implemented on site and this application seeks to update the decision notice in this regard.

Likewise, it is considered that proposed amendments/updates to the S106 Agreement are also considered acceptable and appropriate to update the document.

It is therefore recommended that permission be granted in accordance with the following updated conditions -

Conditions

01

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

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

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

Reason

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

DESIGN CODE

02

Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and illustrated in the Master Plan Development Framework and Principles Document (August 2021) listed under Condition 26.

Reason

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

03

No development shall take place on any Code Area as identified in Figure 37 of the Master Plan Development Framework and Principles Document (August 2021) until there has been submitted to and approved in writing by the Local Planning Authority a Design Code (including supporting plan) for the code area in question. The Design Code for the various code areas shall be in accordance with the principles and parameters described and illustrated in the Master Plan Development Framework and Principles Document (August 2021) listed under Condition 26.

Reason

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

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

04

The design code for each Code Area as identified in Figure 37 of the Master Plan Development Framework and Principles Document (August 2021) shall include codes for all matters listed below where appropriate:

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

Reason

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

05

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

Reason

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

06

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

Reason

The outline planning application proposed 1,300 sqm of floorspace within use classes A1, A2, A3, A4 and A5, which the Council considers sufficient to achieve the objectives of policy CS12 'Managing Change in Rotherham's Retail and Service Centres' of the Core Strategy.

07

No development shall take place in the lakeside local centre as identified in the Master Plan Development Framework and Principles Document (August 2021) until there has been submitted to and approved in writing by the Local Planning Authority a plan detailing the quantum of floorspace and timescales for delivery of the A1, A2, A3, A4 and A5 use classes for the character area in question. The development shall thereafter be carried out in accordance with the approved phasing plan.

Reason

In order to ensure that sufficient floorspace is provided to accommodate a range of retail, and leisure uses needed to serve a sustainable community in accordance with Paragraph 93 of the NPPF.

08

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

Reason

In order to ensure the retail floorspace is of the type and scale for which a need has been identified and which is appropriate to the scale of the neighbourhood centre, in accordance with Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' of the Core Strategy and with Paragraph 90 of the NPPF.

09

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

Reason

In order to ensure the retail floorspace is of the type and scale for which a need has been identified and which is appropriate to the scale of the neighbourhood centre, in accordance with Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' of the Core Strategy and with Paragraph 90 of the NPPF.

10

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

Reason

In order to ensure the retail floorspace is of the type and scale for which a need has been identified and which is appropriate to the scale of the neighbourhood centre, in accordance with Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' of the Core Strategy and with Paragraph 90 of the NPPF.

SUSTAINABILITY AND ENERGY

11

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

Reason

In order to secure a sustainable development in accordance policy SP57 'Sustainable Construction' of the Sites and Policies Local Plan and with Paragraph 157 of the NPPF.

MANAGEMENT PLAN

12

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

Reason

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

LANDSCAPE

13

Prior to the commencement of any development within each character area as identified in the Master Plan Development Framework and Principles Document (August 2021), details of a phased scheme of advance planting to provide screen planting to site boundaries (wherever relevant) and structure planting along access roads and associated with key entrances and junctions shall be submitted to and approved in writing by the Local Planning Authority. The said planting shall thereafter be implemented in accordance with the approved details.

Reason

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

HIGHWAYS

14

A traffic calming scheme shall be provided on Highfield Lane as indicated in draft form on Drg No 240818C-0000-001 A and shall be provided prior to the occupation of 2,200 homes.

Reason

In the interests of highway safety.

15

The proposed pedestrian improvements to B6066 Highfield Lane/Orgreave Lane/Rotherham Road junction will be carried out in accordance with approved plans 240818-000-001, 240818-1100-001, 240818-0200-001 and 240818-4000-001 before the occupation of the 2,250th dwelling.

Reason

In the interests of highway safety.

NOISE

16

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

Reason

In the interests of the amenity of the locality and in accordance with policy SP52 'Pollution Control' of the Sites and Policies Local Plan.

17

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.

Reason

In the interests of the amenity of the locality and in accordance with policy SP52 'Pollution Control' of the Sites and Policies Local Plan.

18

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

Reason

In the interests of the amenity of the locality and in accordance with policy SP52 'Pollution Control' of the Sites and Policies Local Plan.

DUST

19

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

Reason

In the interests of the amenity of the locality and in accordance with policy SP52 'Pollution Control' of the Sites and Policies Local Plan.

20

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

Reason

In the interests of the amenity of the locality and in accordance with policy SP52 'Pollution Control' of the Sites and Policies Local Plan.

WHEEL WASHING

21

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

Reason

In the interests of the amenity of the locality and in accordance with policy SP52 'Pollution Control' of the Sites and Policies Local Plan.

DRAINAGE AND FLOOD RISK

22

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

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

Reason

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

23

No development except that associated with site preparation works shall take place or discharge to a drainage system, until the detailed design of the Surface Water Drainage scheme relevant to that development (including appropriate SUDS), including all relevant flood risk assessments within the Waverley development, have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved for each geographical phase of development shall be in accordance with the Outline Surface Water Strategy (October 2009), and its updates (May 2014 and May 2022) and the Flood Risk Assessment shall be implemented in accordance with the approved details prior to the construction of 80% of dwellings within that development phase. The scheme shall also include the following:

1. Details of the development surface water drainage network, which shall include:

- The piped drainage network and open watercourse will drain to the attenuation reservoirs.
- The reservoirs will limit discharge to the River Rother at the maximum rate of 5 litres per second per hectare.
- The open watercourse shall be designed for the 1 in 100 year return period over the critical storm duration (plus allowance of 30% for climate change) and 600mm freeboard for each watercourse.
- The piped drainage network will be designed so that there is no flooding during a 1 in 30 year storm over the critical storm duration.
- The water velocity within the open watercourse shall be a maximum of 3 metres per second, unless otherwise agreed by the Environment Agency
- Appropriate SUDS will be incorporated into the surface water drainage scheme within the site.

2. Plans to show the catchment areas for surface water runoff within the site and surrounding areas, for each phase of the development (to ensure that there is adequate capacity for discharge of surface water runoff within each section of the drainage system, during and after completion of the development).

3. Details of how the current restoration drainage will fit within the proposed development drainage plans and the Masterplan, in particular Handsworth Beck and drainage channels C and C2.

4. Details of how the scheme shall be maintained and managed during and after the completion of the development. This should also include details of satisfactory easement strips along the piped network and open watercourse, to allow access for maintenance.

Reason

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

24

No development within each geographical Phase, as identified in the Master Plan Development Framework and Principles Document (August 2021) except that associated with site preparation works shall take place or discharge to a drainage system until a scheme for foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The foul water drainage shall be implemented in accordance with the approved scheme.

Reason

To ensure that the development can be properly drained in accordance with policy SP52 'Pollution Control' of the Sites and Policies Local Plan.

PUBLIC RIGHTS OF WAY

25

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

Reason

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

REGULATORY

26

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

- Masterplan Development Framework and Principles Document (August 2021).
- Parameter Plans: Land Use, Green Infrastructure, Urban Design Principles and Movement and Access.

Reason

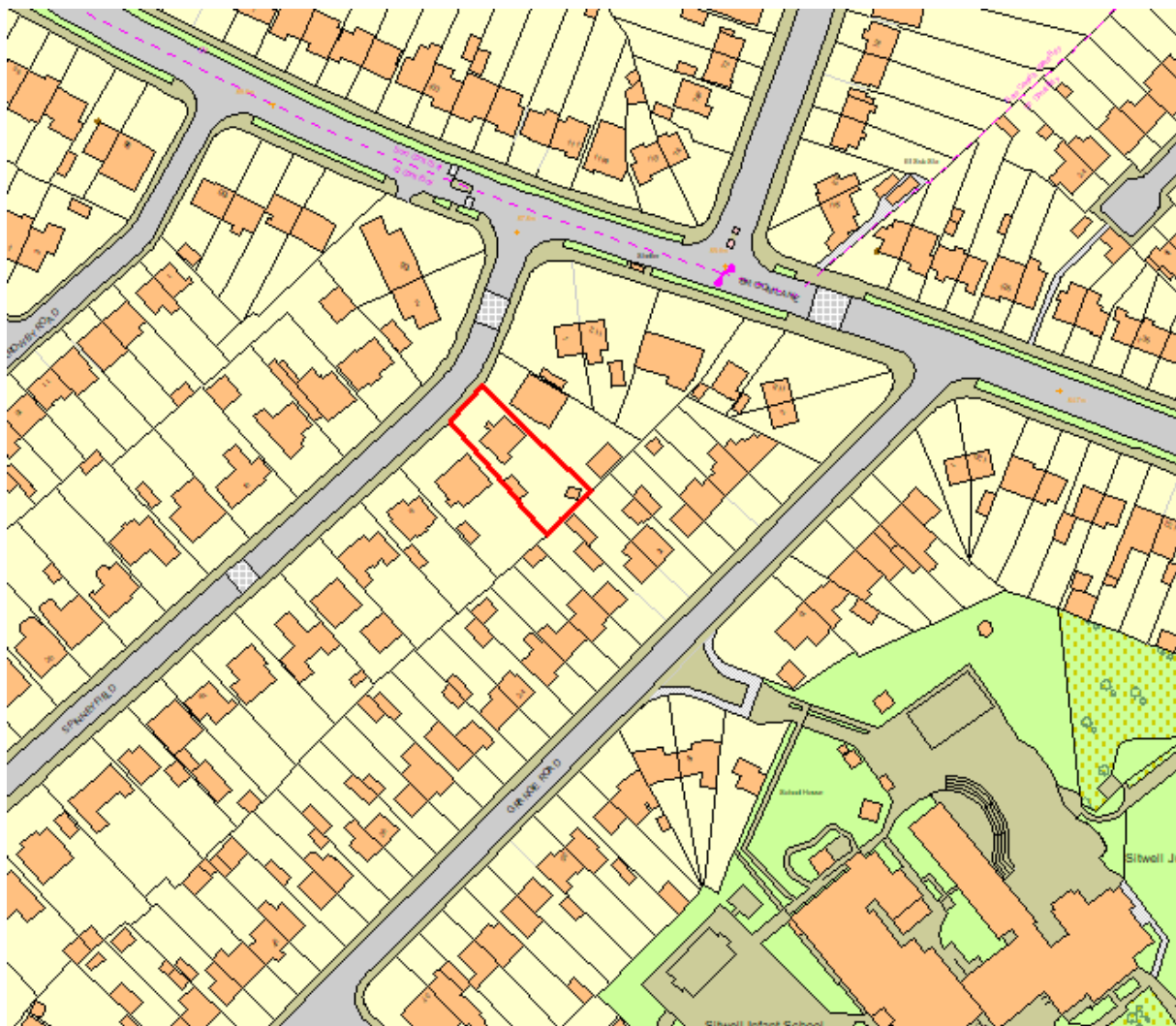
To ensure high standards of urban design and comprehensively planned development are designed and phased to ensure maximum practical integration between different land uses to accord with Policy CS28 'Sustainable Design' of the Core Strategy.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2026/0716 https://rotherham.planportal.co.uk/?id=RB2026/0716
Proposal and Location	Erection of a two-storey side & rear extension, single storey rear extension, increase in roof height to create rooms in roof space with dormer windows to rear, porch to front & erection of garden room to rear, at 5 Spinneyfield, Moorgate, S60 3HW
Recommendation	Grant with conditions

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



1. Site Description & Location

The application relates to a detached two-storey dwelling within an established residential area. The frontage comprises a block-paved driveway providing off-street parking, accessed via a dropped kerb.

The surrounding area is characterised by a varied built form, with no prevailing architectural style. Nearby properties include detached bungalows and two-storey dwellings of differing designs and materials.

To the south-west, No. 7 comprises a detached bungalow situated on slightly higher ground. It contains two obscured side-elevation windows and is set approximately 1.5m from the shared boundary.

To the opposite side, No. 3 is a detached two-storey dwelling with an open frontage.

The property benefits from a rear garden measuring approximately 22m in length, which backs onto the rear gardens of neighbouring residential properties.

2. Background

There have been two previous planning applications submitted relating to this property:

- RB1976/1119 – Rear extension and porch – GRANTED
- RB1992/1053 – First floor rear extension – GRANTED CONDITIONALLY

Biodiversity Net Gain (BNG)

The proposal is considered to be exempt from the BNG plus 10% requirement as the proposal is a householder application.

3. Proposal

The proposal includes raising the existing roof by 0.6m to a height of 8.3m, incorporating five rooflights within the front roof slope and two dormer windows to the rear. The hipped-roof dormers would project 3m from the rear roof slope and measure 2.4m in width. Each dormer would have an eaves height of 1.4m and a ridge height of 2m, providing accommodation for two additional bedrooms.

The proposed two-storey side extension would project 2.8m from the existing side elevation, representing less than half the width of the original 10m-wide dwelling. It would extend 8.2m in length, including a 3m projection beyond the existing rear elevation, whilst not extending beyond the rear elevation of the neighbouring bungalow at No. 7. The front elevation would be set back by 0.3m from the principal elevation, with the roof set below the main ridge height and incorporating one rooflight within the front roof slope. This approach accords with the Council's Supplementary Planning Document (SPD), which seeks to ensure that side extensions remain subordinate to the host dwelling and are sympathetic to the street scene. A first-floor window would be inserted within the front elevation to serve an en-suite bathroom and would be obscurely glazed. The ground floor element would comprise an open-fronted covered carport.

The proposed two-storey rear extension has been reduced from the originally submitted 4m projection to 3m in order to comply with SPD guidance and does not come within a 45° angle of the nearest neighbouring rear elevation habitable room window. The extension would extend across 12m of the rear elevation and include four first-floor windows, one of which would be obscurely glazed as it serves a bathroom. At ground-floor level, the extension would include a door and a window.

The proposed single-storey rear extension would project 4m from the rear elevation and would not extend beyond the rear elevation of the neighbouring property at No. 3. It would measure 3.6m in width and feature a hipped roof with an eaves height of 2.5m and an overall ridge height of 3.7m. The extension would incorporate three windows and a door within the side elevation.

The replacement porch would project 1.8m from the front elevation and measure 2.6m in width. It would feature a pitched roof with an eaves height of 2.4m and a ridge height of 3.6m, together with a front entrance door and small windows within each side elevation.

Finally, the proposed garden room would be located to the rear of the property, approximately 15m from the rear elevation. It would measure 12m in width and 5.6m in depth, with a pitched roof reaching 2.3m at the eaves and 3.3m at the ridge. The front elevation would include three windows and a standard entrance door, with an obscurely glazed window to the rear which serves a shower room.

All materials to be used will match those of the host property.

4. 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 27th June 2018.

The application site is allocated for residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy

CS28 Sustainable Design

Site and Policies Document

SP55 Design Principles

5. Other Material Considerations

The National Planning Policy Framework (NPPF), amended 17 August 2026, 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.

Supplementary Planning Document – 'Householder Design Guide'. This was adopted by the Council in October 2025.

6. Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties. Twenty letters of representation have been received, twelve of which are from individual residents and interested parties.

The main concerns raised can be summarised as follows:

- Extensions and roof alterations are considered overly large, creating a dominant three-storey appearance that is out of character with the surrounding area.
- Concerns from No. 7 Spinneyfield regarding loss of outlook, overshadowing, overbearing impact, and potential overlooking from upper-floor windows.
- Concerns about differing ground levels, impacts of excavation on land stability and the retaining wall, and future maintenance access.
- The proposal is considered overdevelopment due to its increased size, additional bedrooms, and extensive site coverage.
- Objections relate to the removal of mature vegetation
- Concerns that the enlarged dwelling and outbuilding could increase parking demand and vehicle movements.
- Concerns regarding the garden building's size, neighbour impact, and potential future use, although no evidence has been provided to support speculative uses.

At the time of writing, six requests to speak at Planning Board have been received.

7. Consultations

RMBC – Transportation Infrastructure Service raised no concerns.

8. Appraisal

The main issues to be considered in the determination of this application is the impact on the character and appearance of property and the streetscene and residential amenity.

Character and appearance of the property and the streetscene

In assessing the design of the proposed extension and the surrounding area, Local Plan Policy CS28 Sustainable Design notes that:

“...proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.”

Local Plan Policy 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."

In addition, the Council's adopted 'Householder Design Guide' states:

"The size and design of extensions should be subsidiary to the existing dwelling and allow the original building to remain dominant. Matching roof styles should be used in any new extension proposals.

It is important that an extension is in proportion with the existing house. In general, it should not dominate the house by being bigger, higher or set forward (towards the street). Extending a house in that way will make it look unbalanced and incongruous, particularly if neighbouring houses are similar in design and regularly set out.

It is usually preferable for an extension to be subordinate in scale to the original house. A lower roofline and setting back the extension behind the house's building line, will allow the existing house to remain dominant."

Chapter 14 Section DP1: 'A strategy for design' of the NPPF sets out objectives to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes.

DP3: 'Key principles for well-designed places' states *"Development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets."*

DP4: "The design process" further adds

"Design quality should be considered throughout the evolution, assessment and delivery of development proposals, including through any pre-application engagement..."

The Council's SPD Householder Design Guidance, October 2025, states regarding roof alterations and dormers, *"Increased overlooking of neighbours' properties can be a problem, especially with a bungalow where dormer windows in the loft can overlook previously private areas. The Council will be critical of all proposals which have a significant effect on neighbours' privacy.*

Roof lights often do not require planning permission and are cheaper to install and maintain, and will have less visual impact on the appearance of a house. They will also reduce possible overlooking problems.

Where a dormer is to be built on a front elevation, it should be modest in size relative to the size of the roof and should be designed to reflect the architectural character of the house. The Council will be critical of front dormers if they are an uncommon feature in the locality or would appear out of character on the host dwelling. Dormer cheeks should be clad in tiles or slates to match those on the roof. Pitched roofed dormers will normally be preferable on a front elevation, and are likely to be more durable than flat-roofed dormers.

Where raising the roof or an upward extension is considered acceptable in principle, it is essential that it be designed to minimise the effect on neighbours' properties by overshadowing and overlooking, and to not appear out of place in the street-scene."

"Two storey side extensions should generally be set back by a minimum of 0.3 metres at first floor level on the front elevation, with the roof set down and back from the main body of the house. This is in order to create a subservient extension.

The Council will be critical of two storey side extensions of excessive width. Any such extension should not exceed more than half the width of the original house. Where the existing house is narrow or this would result in an impractical extension it may be acceptable to have an extension slightly more than half the width of the house but this should be offset with a greater set back at the first floor to a minimum of 0.5 metres."

"Two storey rear extensions should be designed so as not to come within a 45° angle of the nearest neighbouring rear elevation habitable room window (measured from the centre of the window). The Council will protect the outlook from a habitable room window for up to 10 metres, beyond this distance the impact is likely to be acceptable.

The extension should also not come within 12 metres of a ground floor habitable room window of a neighbouring property that faces the extension and have a minimum 25° vertical clearance from that window.

The extension should not be a disproportionate addition to the host property and in general should not exceed 3 metres if close to a shared boundary or 4 metres elsewhere."

"Single storey rear extensions are generally an acceptable feature on domestic properties and the current permitted development rights allow for some extensions to be constructed without planning permission.

Single storey rear extensions, on or close to a boundary, should project no more than 4m from a neighbouring property's existing rear elevation."

Finally, "Front extensions should not harm the character and appearance of the host property or be of a design out of keeping with others in the street.

The impact on the amenities of the neighbouring property should also be considered and any front extension should project no more than 2 metres, or 1 metre where it is within 2 metres of a neighbouring window.

Porches should be individually designed to follow the character of the existing building and the introduction of features such as classical columns, pediments and rustic timbers etc will not be accepted unless they are a feature of the original house."

The proposed development would remain proportionate to the existing dwelling and would be appropriately designed to respect its character and appearance. The roof enlargement, including the rear dormers and front rooflights, would be set within the roof slopes and appear as subordinate additions that are commonly found on similar

residential properties. The dormers would be modest in scale and positioned on the rear elevation, limiting their visibility from the public realm.

The two-storey side extension would be set back from the principal elevation and have a lower ridge height than the main dwelling, ensuring it remains subservient to the host property in accordance with the Council's Supplementary Planning Document (SPD). Whilst it would increase the overall built form, the extension would retain a clear visual hierarchy and would not appear overly dominant or incongruous within the street scene. The design, scale and proportions of the extension would be consistent with the character of surrounding residential development.

The two-storey and single-storey rear extensions would be largely screened from public view and would not materially affect the appearance of the street scene. The replacement porch would be modest in scale and sympathetic to the design of the existing dwelling.

The proposed garden room would be situated to the rear of the property and would not be visible from the public highway. As a result, it would have no impact on the character or appearance of the street scene. The scale, design and positioning of the structure are considered appropriate for the size of the plot and are subordinate to the main dwelling.

While it is acknowledged that some hedges and shrubs have been removed from the site; these elements are not subject to any form of statutory protection.

Subject to the use of matching external materials, the proposal would integrate satisfactorily with the existing property and surrounding area.

Overall, the development would preserve the character and appearance of the street scene and would comply with the relevant design policies of the development plan and the Council's SPD.

In view of the above considerations, the proposal is considered to meet the design requirements of Local Plan Policies CS28 – Sustainable Design, and SP55 'Design Principles' as well as the Council's SPD 'Householder Design Guide' and the NPPF.

Impact on amenity of neighbouring residents

Local Plan Policy SP55 'Design Principles' states:

"All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environment, and positively contribute to the local character and distinctiveness of an area and the way it functions.

Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

- a. *the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development...*

- 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 NPPF also states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and an extension should not have an overbearing effect on the neighbouring property or create an unreasonable effect on its outlook.

In addition, The Council's SPD Householder Design Guidance, October 2025, states that: *“Two storey rear extensions should be designed so as not to come within a 45° angle of the nearest neighbouring rear elevation habitable room window (measured from the centre of the window). The Council will protect the outlook from a habitable room window for up to 10 metres, beyond this distance the impact is likely to be acceptable.*

The extension should also not come within 12 metres of a ground floor habitable room window of a neighbouring property that faces the extension and have a minimum 25° vertical clearance from that window.

The extension should not be a disproportionate addition to the host property and in general should not exceed 3 metres if close to a shared boundary or 4 metres elsewhere.”

“Single storey rear extensions are generally an acceptable feature on domestic properties and the current permitted development rights allow for some extensions to be constructed without planning permission.

Single storey rear extensions, on or close to a boundary, should project no more than 4m from a neighbouring property's existing rear elevation.”

The proposed extensions and roof alterations have been assessed in relation to the amenities of neighbouring occupiers, having particular regard to outlook, loss of light, overbearing impact and privacy.

The two-storey side extension would project beyond the existing rear elevation of the host dwelling but would not extend beyond the rear elevation of No. 7. Taking account of the separation distances, site orientation and the single-storey form of the neighbouring bungalow, the extension would not result in an unacceptable loss of light, outlook or an overbearing impact.

The two-storey rear extension has been reduced in depth from 4m to 3m to comply with the Council's SPD and is not considered to cause significant amenity harm. The single-storey rear extension would not project beyond the rear elevation of No. 3 and, due to its modest height and hipped roof design, would not appear unduly dominant or materially reduce neighbouring light or outlook.

The proposal would not give rise to unacceptable overlooking. While the rear dormers and first-floor windows would introduce additional views, these are typical of a residential setting and would primarily overlook the applicant's garden and

neighbouring gardens at oblique angles. The bathroom and en-suite windows would be obscure-glazed and retained as such thereafter, preventing direct overlooking.

Although the rear-facing bedroom windows would provide views across adjacent gardens, this relationship is characteristic of suburban residential development and would not result in a material loss of privacy. Overall, the proposal would not cause significant harm to the living conditions of neighbouring occupiers and accords with the residential amenity requirements of the Council's SPD and relevant development plan policies.

The garden room, due to its location and the separation distances to neighbouring properties is not expected to result in any significant overlooking, loss of privacy, loss of light, or overbearing impact on neighbouring occupiers. Accordingly, the development is considered to have an acceptable impact on residential amenity.

Objections have been received concerning the scale of the development, its effect on the character of the area, and impacts on neighbouring amenity, including loss of light, overbearing impact and overlooking.

These matters have been fully considered. Whilst the proposal would increase the size of the dwelling, the side extension incorporates an appropriate set-back and lower ridge height, ensuring it remains subordinate to the host property. The roof alterations and rear dormers are similarly proportionate additions that would integrate satisfactorily within the street scene.

In amenity terms, the extensions would not result in an unacceptable loss of light, outlook or privacy. The depth of the two-storey rear extension has been reduced during the application process to ensure compliance with the SPD, and the bathroom and en-suite windows would be obscure-glazed to prevent undue overlooking.

While the development would alter the existing relationship between the host property and neighbouring dwellings, the resulting impact is not considered sufficiently harmful to justify refusal of the application. Accordingly, the proposal is not considered to conflict with the development plan or any other material planning considerations.

Overall, it is concluded that the proposal would not result in significant harm to the residential amenity of neighbouring occupiers. The development accords with Local Plan Policy SP55, Core Strategy Policy CS28, the adopted Householder Design Guide, and the relevant guidance within the NPPF.

Conclusion

The proposed development is considered to be in full compliance with the guidance set out in the Council's adopted SPD 'Householder Design Guide' and the requirements contained within the adopted Local Plan policies CS28 'Sustainable Design' and SP55 'Design Principles'.

Taking all of the above into consideration the proposal is considered appropriate as it would in an appropriately designed extension and alternations that would not result in an unacceptable impact or overbearing harm to the occupiers of the neighbouring

properties and as such the application is recommended for approval subject to conditions.

Conditions

01

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

Reason

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

02

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

(Drawing numbers MS/66/26 – 02 A – Proposed Floor Plans)(received 10 June 2026)

(Drawing numbers MS/66/26 – 04 A – Proposed Elevations)(received 10 June 2026)

(Drawing numbers MS/66/26 – 03 A – Proposed Garden Room)(received 30 July 2026)

(Site Plan)(received 22 June 2026)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those as detailed on the submitted plans and application form.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity.

04

Any window(s) which serves a bathroom, ensuite or shower room shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

Positive and Proactive Statement

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

