

## **SUPPLEMENTARY INFORMATION**

### **APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS – SUPPLEMENTARY INFORMATION**

**1. Application Number 12/03543/FUL**

**Address Old Cart and Horses, 2 Wortley Road**

#### **Correction**

Page 42, line 16 should read –

Overall, it is considered that there will be no immediate and/or harmful impact upon this property such as would compromise the aims of policy.

#### **Representations**

Additional objections have been received since the publication of the Committee Report. The majority of the additional representations have been received from the same person. The additional objections are described below:

1. An additional representation has been received containing 26 signatures and objecting to the application on the basis that the proposed development will cause a nuisance to residents and so will be in breach of a covenant in the deeds of the site.

Members are advised that this is a private legal matter and is not a material planning consideration.

#### Highway Issues

2. A new objection has been received from a local resident which states that Wortley Road does not need another shop and that the traffic is horrendous. It also states that there are enough shops in the area and if a shop is going to go anywhere it should be put in a place where it is needed.
3. Another comment has been received from a local resident which seeks clarification as to whether their previous comments have been taken into account. It is confirmed that these comments have been addressed in the Committee Report. The previous objections referred to the impact of the development on the highway environment, the need for a convenience store, the impact on the health of the local population and the impact on the character of High Green Village.
4. A representation has been received, which questions the credibility of the highways information that has been submitted by the Applicant's to support this

application. This representation forms part of the objections referred to in the Committee Report. For clarity, the representation is extensive and raises concerns/inaccuracies relating to plans provided - including vehicle swept path movements, road width details, delivery parking (for the new development and adjacent public house), type of delivery vehicles shown, existing vehicle movements etc. The document also provides a letter from a gentleman who owns a HGV Licence and who raises significant doubts about delivery vehicle manoeuvrability – describing the proposals as dangerous and unworkable.

Given the nature of the objections the Applicant's Highways and Transportation Engineer has been asked to respond to the objection received. Accordingly, a response has been provided to satisfy the items raised in the initial objection letter. This has been received following the publication of the Committee Report.

Following this response, and its subsequent publication on the Council's website, a further response has been received from the Objector who further questions the details contained in this new document and the response given. A further response has been received by the Applicant's consultants in order to address the ongoing concerns.

Overall, notwithstanding the detailed objections received, Officers are satisfied with the information that has been provided by the Applicant and it is considered that the details are sufficient to justify that the application is acceptable on highways grounds.

5. The same objector, as at point 4, has also raised the point that the existing car park was constructed as a car park to serve customers of both The Queen's Head and The Old Cart & Horses. This was approved in 1981 under 81/00558/FUL (Alternative Ref. 81/0877P).

It is confirmed that the planning history records show that this is correct. Both pubs are now owned by the same company and, therefore, the manner in which it chooses to use the car park is at its own discretion. There appear to be no planning conditions in place which tie the use of the car park to either pub.

### Historic Building Issues

6. As detailed in the Committee Report, many of the objections received relate to the age of the building and the local feeling that there is a need to retain such an old and historic feature. It is stated that buildings on site date back to the 1500s – 1600s.

Since the publication of the Committee Report, the following information has been received:

Members are advised that English Heritage has received an application to assess the buildings on site for listing but has rejected the application stating the following:

*"Historic Interest: though the building is undoubtedly an historic public house, of long standing, and as such is an asset to the locality of High Green, in order for*

*it to be designated its historic interest needs to be determined in the national context. The rear part of the building is said by the applicant to date back to at least the 1500s, but no evidence has been supplied to substantiate this claim and such an early date is not apparent in the fabric. The central drinking lobby is a typical northern pub arrangement dating from the later C19 or early C20, again suggesting a refurbishment, perhaps from a simpler beerhouse. Though this in itself is not a negative alteration, the interior does not compare favourably with designated examples.*

*Architectural Interest: while the front elevation appears similar to historic photos, there have been later alterations which detract from its special architectural interest. Significantly, the building has lost its original stone slate roof, and the central porch is a later-C19 addition not shown on the historic OS maps....[C]omposite sash windows are likely to be later C19 too, and although they remain superficially the same, historically they had later-C19 plate glass glazing with painted glass signage. They now have glazing bars to form small-pane glazing. The windows in the taller rear range have been altered to later timber casements; the use of painted render has obscured any earlier patterns of fenestration and other openings. As such there is no external evidence of a C16 origin and the building does not compare favourably with designated public houses which do have C16 origins.*

*Interior: while the bar counter to the corniced central lobby appears original to that layout, and the rear wing retains a Victorian range, there are few other original fixtures and fittings. The bar counter in the right-hand front room is a later insertion, and all the fireplaces have been rebuilt and appear to have no great age. The left-hand front room has also been opened up into the central lobby. The best public house interiors are more complete, of a higher quality either in craftsmanship or materials, or both; as it is a building type of which a great many survive, selectivity means that only those which have notably good interiors are designated in the national context."*

The information stipulated above, confirms Officer opinion that there is no current protection, or future measures likely, to prevent this building's demolition.

### Pollution Issues

7. A number of objections received relate to noise and air quality issues that will be generated by this application. Noise issues have been addressed in the report. With regard to air quality, it is advised that because of the size of the development proposed and the number of new vehicle trips being generated, an Air Quality Assessment has not been considered necessary for the assessment of this application.

### Other Issues

8. The same objector as at point 4 and 5 has questioned whether anybody in the planning department or Council has got a vested interest in getting this application approved?

As members are aware both Officers and members are required to declare if they have any material interest in a planning application. The officer would like to confirm that he has no such declaration to make.

### **Amendment to Conditions**

Amend condition 2 to replace plan entitled "Landscape Details Dwg. No. R/1409/1" with "Landscape Details Dwg. No. R/1409/1A".

Amend condition 7 to exclude the delivery of newspapers from the delivery hours restriction.

### **Additional New Conditions**

- Contaminated Land

A Geo-environmental Desk Study report has been submitted with this application. The Environmental Protection Service has confirmed that it is satisfied with the recommendations of this report.

Additional conditions relating to potential contaminated land issues are recommended. These are:

Condition:

The development shall be carried out in accordance with the recommendations set out in Section 6 of the Geo-environmental Desk Study report carried out by JPG Civil & Structural Engineering dated December 2012 (ref. RM/DS/4416v1), which recommends that

- Chemical analysis of soil and water samples in order to determine the concentrations of potential contamination on the site and classify materials for disposal off-site.
- Geotechnical testing to classify materials and inform foundation design and chemical testing to assess the nature and extent of any contamination on the site and determine the Aggressive Chemical Environment for Concrete classification.

- Monitoring of gas and groundwater wells for hazardous gases, methane, carbon dioxide, and oxygen and flow rate to the requirements of the Local Authority.

Reason: In order to ensure that any contamination of the land is properly dealt with.

Condition:

Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

Condition:

All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Condition:

Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought in to use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

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