

# Agenda Item 7

**PLANNING AND  
HIGHWAYS COMMITTEE**

**20<sup>th</sup> August 2024**

## **SUPPLEMENTARY INFORMATION**

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

**1. Application Number: 24/01500/CHU**

**Address: 110 Halesworth Road**

#### **Additional Representation**

One additional representation has been received from a collective group of 48 residents in response to a statement submitted by the applicant in support of the proposals, referring to appeal decisions.

This relates to a number of points under the headings listed below, with a brief summary of their concerns, where the relevant points are not already specifically covered within the main agenda report.

#### **Principle of Development**

- Appeal decisions refer to 2 children whereas this case is for 3 children;
- As a managed estate, residents are regulated by a number of covenants. To breach this could result in Council and potential Court action.
- Note – this is not a material planning consideration.

#### **Anti-Social Behaviour**

- Evidence regarding anti-social behaviour has been published by the [childrenscommissioner.gov.uk](https://www.childrenscommissioner.gov.uk) based on data from The Office for National Statistics (ONS) stipulated that children in care under the age of 16 are 4.5 times more likely to be imprisoned than those who have not been in care.
- In this residential area, there is already evidence of this issue arising in another property converted in the same manner (No. 77 Halesworth Road).
- Quote from the applicant's accompanying document states that "Our therapeutic model understands that development and emotional harm are caused by adverse childhood experiences, and these can manifest as negative behaviour" which suggests that in some part, negative behaviour is anticipated.

#### **Car Parking**

- Query whether the applicant can guarantee that all staff members will be travelling by foot or by public transport to prevent need of parking.
- Contradictions in the accompanying documents regarding family visits, whereby the applicant has asserted that family visits would take place away from home, however some are anticipated.

### **Non-Planning Considerations**

- Safeguarding vs Profit
- Applicant's claim of Misinformation in Objections
- Dormant company on Company's House register
- Current Live Application in Rotherham

### Officer Comment

The matters raised in this representation are in response to a previous statement made on behalf of the applicant and in general do not raise any additional points or issues that have not been addressed in the main agenda report or in officer's assessment of the proposals.

### **Public Sector Equality Duty**

The Public Sector Equality Duty (PSED) (s.149 of the Equality Act 2010) requires public authorities, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In considering this planning application the Council as Planning Authority has had due regard to the provisions of the Act.

Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In this context for example, due regard must be had to factors such as whether the proposed development advances equality of opportunity for people with any protected characteristic to enjoy and benefit from the development compared to persons who do not share that protected characteristic. Factors which must be taken into account include whether the proposed development removes or minimises disadvantages suffered by persons with a protected characteristic, takes steps to meet needs of persons who share a protected characteristic that are different to the needs of persons who do not have it and encourages persons with a protected characteristic to participate in public life or other activity in which participation by such persons is disproportionately low.

The proposal would advance equality of opportunity for disadvantaged young people who share a protected characteristic due to their age requiring the Council to have regard to the aims of the PSED. The proposal would increase the availability of residential places for young people and accommodate those in need of care and support in an accessible location supporting the underlying objectives of a community facility. As such it would support the rights of disadvantaged young people.

**2. Application Number: 24/00357/OUT**

**Address: Land Between Manchester Road And The Rookery And Rookery Vale**

**Two additional representations have been made in addition to existing representations. The majority of points raised have already been summarised in the Officer Report and so are not repeated here. Additional points are detailed below:**

- Increased security risk from the proposed path connecting the Rookery Vale to the proposed development. South Yorkshire Police raised concerns regarding this.
- No traffic survey has been conducted and cars travel around the blind bend greater than the speed limit. Significant Highways concerns raised.

**Officer Response**

This application is an outline planning application, and all matters are reserved including the layout of the proposed development. The site layout plans are indicative only.

With regards to the highways concerns raised a transport statement/ assessment has been submitted which demonstrates that the site can be safely accessed. The Council's Highway's Officer raises no concerns regarding the proposal.

**Other Matters**

The representation section refers to objections from an MP and Councillor who no longer hold these positions – for clarity these are former MP (Miriam Cates) and former Cllr (Lewis Chinchin). Whilst the points raised are still relevant, clarification of the positions held is required.

**3. Application Number: 24/00775/FUL**

**Address: Land Between 94 And 98, Wheel Lane, Grenoside**

**Additional Representation**

Comments were received from Cllr Levery in relation to the appeal decision - specifically the Inspectors on site observations, regarding existing on street parking, summarised in the committee report (p.67, second paragraph).

Cllr Levery noted that the position of the front boundary wall narrows the footway, but at present there is no parking demand along the site frontage. He said that this could change, when the development is constructed, as there are only two allocated parking spaces per property.

He queried the Inspectors comments with regard to cars parked on the footway, noting that, to the east of the site, on-street parking areas are marked out so there is no need to park on the pavement here. He is aware that, to the west of the site, vehicles do pull on the pavement but has not observed the footway being blocked.

He stated that Wheel Lane has the most speeding issues of any road in the North LAC, with over 50% record of speeding at this point on the road from the VAS, and raised concerns about pedestrians having to cross the road to the other footway, where there is no housing, and crossing back again to avoid the site frontage if the footpath was inaccessible.

### **Officer Response**

The relevant extract of the Inspector's decision is:

*'From the evidence in front of me, it would appear that the condition was added following discussions between the Planning Officer and the appellant, in order to allow for a full two metre footway to the front of the site, for highway safety purposes. Subsequently, it would appear that the highways consultee has commented that the wall does not require moving in order to achieve sufficient vehicle visibility to exit the site at the proposed access.'*

*There is, obviously, an existing footway to the front of the appeal site. In addition to this, the opposite side of the highway has a footway along its length. At the time of my site visit, there were two cars parked on the footpath above and below the site frontage, which I presume were for visitors to the other properties. These had the effect of making the footpath inaccessible at those points, so any pedestrians using that side of the footpath would have to walk into the highway to pass the parked cars. This situation would still occur if the wall were to be moved back and a vehicle was parked on the footway.'*

It is considered that the Inspector is making a number of points in relation to highway safety:

- firstly that inappropriate parking already occurs along this length of Wheel Lane and that setting the wall back is not a proportionate response to the perceived problem as it would not prevent cars from blocking the footway;
- secondly, that pedestrians can cross the road to the alternative footway.

In addition, there will be 2 off-street parking spaces per dwelling which is similar to, and in some cases more than, the level of parking at most of the neighbouring properties. Visitors may be able to park on site, if the onsite spaces are not all utilised, but they can also park safely on Wheel Lane, though not necessarily immediately outside the site.

### **Amendment to originally issued appeal**

Since the publication of the committee report, the Planning Inspectorate have reissued the appeal decision in order to correct a drafting error (in one instance the original version referred to condition 10, rather than condition 8).

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