

**PLANNING AND**

**18<sup>th</sup> November 2014**

**HIGHWAYS COMMITTEE**

**SUPPLEMENTARY INFORMATION**

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

**1. Application Number 14/03048/FUL**

**Address Castlebeck Avenue and 322 and 324 Prince of Wales Road**

**Amended condition:**

During the application process the applicant asked that we consider a proposal which would allow deliveries to the store 24 hours a day, though they expected to only receive 1 or 2 deliveries within each 24 hour period. They submitted noise information to support their case, however the Environmental Protection Service have raised concerns (verbally) about the potential for deliveries during the night time hours to harm the amenities of the occupiers of neighbouring residential properties. As a compromise, it is recommended that condition 10 be varied as follows to allow servicing up until 0000 hours (midnight) Monday to Saturday for a temporary period of 12 months.

‘The discount retail store hereby approved shall not be open to the public outside the hours of:

7am - 10pm Mondays to Saturdays  
10am - 4pm on Sundays and Bank Holidays

Deliveries to the building shall only be carried out between 0700 hours and 2200 hours on Monday to Saturday and between 0800 hours and 2100 hours on Sundays and Public Holidays, except for 12 months from the date the store opens to the public when deliveries shall be carried out between 0700 hours and 0000 hours on Monday to Saturday and between 0800 hours and 2100 hours on Sundays and Public Holidays.’

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

**Additional condition:**

Notwithstanding the submitted plans, full details and location of the ‘new spec 2.5 m x 2.5 m flagpole’ as described on the approved plans shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority. These signage structures shall thereafter only be installed in accordance with the approved details.

**Late representation:**

An objection was received on 14<sup>th</sup> November 2014 from the legal representatives of the occupier of 320 Prince of Wales Road, the semi-detached dwellinghouse adjacent to the two properties proposed for demolition. The first issue raised relates to the site boundary and the possibility that part of the application site belongs to and forms part of the curtilage

of number 320 and thus that the requisite notice was not served upon the occupier of 320 Prince of Wales Road by the applicant. This is not reflected in the documents submitted as part of the planning application and, in any case, is a civil matter between the two land owners.

In addition, concerns are raised about the location and prominence of the extended car parking area, in particular the new spaces created adjacent to the north eastern boundary of number 320 which could result in a loss of amenity due to noise and vehicle exhaust fumes.

As discussed in the report to committee, the extended car park does lie close to the boundary of 320 Prince of Wales Road and is clearly a less suitable neighbour than the existing dwellinghouse in terms of maintaining the residential character of the area. Moreover, policy H14 of the UDP (Conditions on Development in Housing Areas) states that development should not lead to air pollution, noise, smell or other nuisance to people living nearby. But, 320 Prince of Wales Road faces onto a busy dual carriageway. It is arguable whether the level of activity in the extended car park will impact significantly upon the amenities of its occupants in this context. That said, it is considered that the 2 metre high boundary fence plus the 2 metre wide landscaped buffer strip, as well as the conditioned opening hours (7am – 10pm Mondays to Saturdays and 10am – 4pm on Sundays and Bank Holidays) will provide sufficient protection to prevent the occupiers of 320 Prince of Wales Road from suffering a substantial loss of amenity.

It is accepted, however, that the proposed flagpole proposed for the western corner of the site, adjacent Prince of Wales Road, may not be a suitable neighbour to 320 Prince of Wales Road and a condition is proposed in this supplementary report which requires details of the said structures to be submitted to and approved by the local planning authority before installation (above).

The objectors view that the development contravenes policy G10 of the UDP – which states that, amongst other things, development should ‘create a safe and secure environment that minimises the risk and fear of crime or problems arising from anti-social behaviour and... ensure that any neighbouring residents...would.. [not have] problems of overlooking or loss of privacy’ - and that the proposed 2 metre high close board fence along the north eastern boundary of 320 Prince of Wales Road may result in young people clambering over the fence and causing noise nuisance and disturbance to the neighbour is not accepted. This fence will be highly visible from surrounding streets and the adjacent car park while access to the fence will be impeded by the 2 metre high landscape strip. Both the fence and landscape strip will help to protect the privacy of the occupants of 320 Prince of Wales Road. Moreover, South Yorkshire Police did not raise any concerns about the proposed 2 metre high fence when consulted.

Finally, objections are raised in relation to the impact of the development on access to the rear of number 320 and to the loss of two dwellinghouses. While the relocation of the supermarket boundary along Bonsall Lane removes a previously accessible turning head, Bonsall Lane is a private road and not under the control of the local highway authority. Furthermore, it is considered that sufficient space remains for the occupier of 320 Prince of Wales Road to access the rear of their property. The loss of two dwellinghouses, whilst not ideal, does not contravene planning policy.