

# Agenda Item 7d

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Case Number	13/02019/COND3 (Formerly PP-11630692)
Application Type	Approval of Detail Reserved by Condition
Proposal	Application to approve details in relation to condition number: 13 (Riverside walk/Cycleway Details) relating to planning permission 13/02019/OUTR
Location	Jacobs Gate 32 Troutbeck Road Sheffield S7 2AG
Date Received	31/10/2022
Team	South
Applicant/Agent	Gladman Retirement Living & Steps Rehabilitation Centre Ltd
Recommendation	Grant Conditionally

## Subject to:

1 Conditions Discharged:

No conditions relate to this section of the notice.

2 Details Approved But Condition(s) Remain In Force:

- Condition 13.

3 Details Not Approved

No conditions relate to this section of the notice.

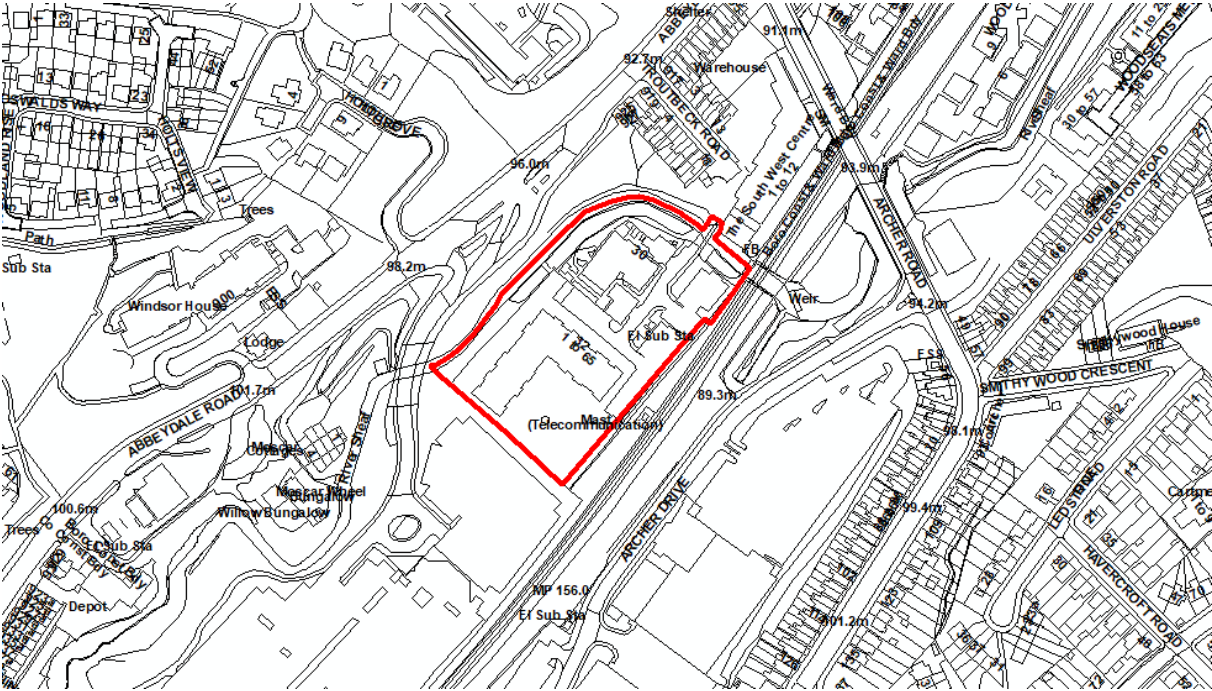
Attention is Drawn to the Following Directives:

1. The Applicant is advised of the following:

- The Condition hereby approved remains in force given the ongoing need for implementation and retention/maintenance of the approved details.

- The details hereby approved are those published on 02 Jul 2024 and the Arboricultural Method Statement published on 31 Oct 2022.

Site Location



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## LOCATION AND PROPOSAL

The application site is accessed from Troutbeck Road via a bridge across the River Sheaf. The building within the site is known as STEPs, which is a three-storey, L-shaped building providing rehabilitation care for clients with a range of neurological conditions.

The site adjoins the River Sheaf to its north-eastern and north-western facing boundaries. To the south-west lies the Adlington Retirement Living extra-care apartments facility. To the south-east lies the access road for the extra-care apartments.

The current submission is an application for the approval of details reserved by condition. It seeks approval of details relating to Condition 13 of planning permission ref. 13/02019/OUTR – see Planning History below.

Condition 13 reads as follows:

Prior to any development commencing on site full details of the proposed riverside walk/cycleway shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposals for providing a link from the riverside walk/cycleway to the adopted highway and such link and riverside walk/cycleway shall be provided prior to the development being occupied.

Reason: In order to enable provision of a riverside walkway.

Details of the riverside walk/cycle way were previously approved under application ref. 13/02019/COND1 in October 2016. Notwithstanding this, the STEPs facility was built and then opened in May 2017 without the riverside walk/cycle way being provided.

The current application was submitted after the Planning Enforcement team engaged with the site's operators regarding the non-compliance with condition 13, and also following the submission of a subsequent pre-application enquiry dealing with the matter.

The proposed details feature a walkway of approximately 78 metres in length. The width would range from 2.0 to 2.8 metres. Its boundaries feature a 1.4 metre high timber post-and-rail fence to the riverside, and a 1.8 metre high paladin fence to the opposite boundary. The surface would comprise of a Breedon Wayfarer material, which is a self-binding limestone surfacing material. The walkway would tie into the existing footway adjacent the north-east corner of the site, which runs on from the access bridge crossing the river, accessed via the South West Centre's car park utilising access rights. The walkway's opposite end would tie into the existing walkway which skirts the adjacent Adlington apartment facility.

## RELEVANT PLANNING HISTORY

09/02704/OUT: Erection of retirement village, including nursing care home, EMI/dementia care home, sheltered accommodation for the over 65's, Special Needs Independent Living Unit (amended plans and supporting submissions received 19.02.10, amended flood risk assessment received 11.05.10 and amended drawings received 22.06.2010)  
Approved - 14.09.2010

13/02019/OUTR: Resubmission of 09/02704/OUT.  
Approved - 28.01.2014

15/00144/REM: Application to approve details in relation to appearance, landscaping, layout and scale - matters reserved by 13/02019/OUTR for Block C - to provide a Nursing Care (i.e. STEPs) Facility  
Approved - 22.05.2015

Plans submitted with this application showed and allocated space for a Riverside footpath and cycleway.

13/02019/COND1: Application to approve multiple details in relation to conditions including number 13. details of riverside walkway/cycle way of planning permission 13/02019/OUTR  
Approved - 03.10.2016

23/03638/FUL: Erection of single storey extension, re-configuration of existing car park and landscaping and retention of existing therapy room (amended description)

This application is currently undetermined and remains under consideration.

18/00972/FUL: Erection of 4 storey building accommodating 65 apartments with communal facilities (Use Class C2 - Residential Institution), car parking provision, associated amenity space, landscaping and additional car parking for STEPs rehabilitation centre (Adlington Retirement Living extra-care apartments)  
Approved - 22.02.2019

A pre-application enquiry was submitted in late 2021 and was considered and responded to during the first half of 2022. The main element of the pre-application enquiry arose from the applicant's concerns around their ability to implement the riverside walkway as detailed and approved in application 13/02019/COND1. These concerns related to the extensive and prohibitively costly works involved in the creation of a 3 metre wide walkway out across the sloping riverbank, and the removal of most of the trees along the bank. One alternative discussed was a pathway which followed a similar route to that proposed but at a narrower width.

## REPRESENTATIONS

66 representations have been received in relation to the submission. These include representations made on behalf of the Sheaf and Porter Rivers Trust and the Riverside Stewardship Company.

The Sheaf and Porter Rivers Trust (SPRT) comments are summarised as follows:

- the application is welcomed as a positive step to resolving non-compliance (with condition 13) and a missing link in the Sheaf Trail.
- there is no explanation why previously approved details aren't achievable.
- STEPS is a valuable and admirable facility. It is also believed that there is a solution that maximises quality and usability of the trail for all users, whilst mitigating negative impacts on STEPS' operation.
- Proposals should be amended in following ways:
  - the proposed trail is shown to be 2 metre wide throughout and should be 3 metres. Existing trail to which it would adjoin is 3 metres in width and allows passing of cycles and wheelchairs.
  - the trail is contained within two high and solid fences, giving an unattractive and constrained environment for users without river views.
  - a blind spot is created at the junction between the STEPS and Adlington trails.
  - the plans don't show the two small outbuildings built by STEPS, which appear to be partly the reason for the narrow trail. These were not subject to any planning application and were constructed after SPRT raised an enforcement complaint (about the absence of walkway)
- SPRT state that STEPS have agreed to widening at the ends of the section to 3 metres (during separate discussions between STEPS and SPRT), with narrower sections in the middle portions.
- The riverside edge of the trail should be bound by a low and open metal railing for safety purposes.
- The status and maintenance of the trail needs to be clarified. SPRT are currently developing a River Guardian project that may be able to help.
- Completion of this section will allow SPRT to continue discussions with Tesco to complete the remaining missing link.
- Clients of Adlington and STEPS will benefit from a safe and attractive walking route to local shops, public transport and Millhouses Park, avoiding Abbeydale Road and steep gradients.

SPRT submitted a second representation, new comments are summarised as follows:

- Due to the level of objection item should be referred to Committee.
- Multiple national and local planning policies are relevant to the application.
- Examples given of previous planning applications which set a precedent for the provision of this missing link on the network.
- The outbuilding proposed under 23/03638/FUL is crammed into narrowest part of site and prevents delivery of a 3m wide footpath. It could be reduced in size or relocated. The Environment Agency are potentially going to accept a reduced buffer zone to enable the provision of a 3m walkway.
- CCTV should be installed to deter anti-social behaviour.
- A public art contribution for a Sheaf Walk fingerpost sign to mark public access would be a minor and proportionate design and policy response.
- The surface should be either a brushed concrete or concrete setts in a

traditional red colour. This would ensure accessibility in the long term and add visual continuity to other riverside walks.

- The walkway should be properly lit, as achieved adjacent the Adlington Extra care site, with low level lighting. The application cannot be approved without an obtrusive light report and light spill calculations, as per the 21/00494/FUL application (at Waitrose). Advice should be sought from South Yorkshire Police regarding this aspect and anti-social behaviour potential.
- Failure to secure this link will make it almost impossible to get agreement with Tesco for the short connecting section between the Adlington site and the Tesco riverside trail.
- A Garden Room features in 23/03638/FUL and should not be included in that application but within a separate application.
- The pathway at Adlington's site includes the wrong fencing (not the approved) on outer side and no fencing on inner side.
- No Biodiversity Net Gain provided. This is grounds for refusal.

The comments of the River Stewardship Company (RSC) are summarised as follows:

- RSC works with SCC and community organisations to improve Sheffield's waterways.
- The submission is a significant downgrading of previously approved details.
- The proposal is only 2 metres wide, compared to previously approved 3 metre width. The adjoining trail is also 3 metres in width (allowing passing of cycles and wheelchairs),
- Solid fences give an unattractive and uninviting environment. River edge should be bounded by a low and open metal railing.
- Change in width at connection point to adjoining site creates a blind spot.
- Plans exclude two outbuildings, built by STEPS without permission and appear to be reason for narrow path. They were constructed after enforcement complaint had been lodged with SCC re non-provision of the path.
- STEPS have agreed to provide a 3 metre width where non-operational space exists in their ownership and to remove the low wall at rear of the Garden Room.
- Maintenance of the trail requires clarification and may be addressed by SPRT and RSC River Guardian project.
- Completion of the link will enable SPRT to continue discussion with Tesco's re completion of a missing link across their land.
- Adlington and STEPS' clients will benefit from pathway.

The comments from members of the public are summarised as follows:

- This section of the riverside walk would connect to Adlington's path, and offer potential of connection to Tesco's trail, the Park & Ride facility and Millhouses Park.
- The path is only 2 metres in width and should be 3 metres width as originally approved. No explanation is given why previously approved details cannot be implemented. Short lengths at 2 metres would be acceptable, but not along the entirety. The adjoining length of pathway is 3 metres in width and a

change in width at the junction to the Adlington path creates a hiding spot and fear of crime.

- STEPs have agreed a 3 metre width at each end of the path would be acceptable, and they would relocate the low wall to rear of Garden Room, with a 2 metre portion adjacent to their garden area.
- Plans do not show the STEPs outbuildings which seem to be reason for narrower pathway (they do not have planning permission & were constructed after enforcement request was lodged by SPRT).
- Planning conditions should be enforced. Where it is not possible to meet approved details, the riverside pathway should be improved to compensate this amenity loss.
- Should retain all mature trees and the significant understorey/scrub for wildlife.
- Bends in the path and containment within fencing do not provide an attractive or safe environment.
- Fencing should be replaced by railings. Should be an open path.
- Unused paths attract anti-social behaviour.
- River should be viewable as a public amenity.
- Restricted path will put people off using it.
- 2 metre width will not allow cyclists /and wheelchair users to pass other users.
- The two outbuildings appear to be the reason for the narrow trail, but they do not have planning permission, and this should be addressed. STEPs have agreed to removal of the low wall to the rear of the outbuilding to facilitate widening.
- Pathway surface will need to be protected against stream and runoff erosion, especially after construction equipment compaction.
- Management and maintenance plans should be provided to ensure maintenance once opened.
- SPRT and River Stewardship Company are developing a River Guardian project which may help address this issue.
- A complete riverside walk would be a great asset to city, and to the residents of both Adlington and STEPs.
- Recent amendments around Little London Road have led to big improvements in safety and enjoyment of use of path.
- Local car parking issues would be eased by improved sustainable transport methods.
- Local people / organisations should not have to raise non-compliance of planning issues with the Council.
- Path's status as a public route maintained by site owners is protected by planning condition.
- Query why contents of the pre-application discussions are not set out within application.

Some representations conflate the current submission with full planning application reference 23/03638/FUL, and those comments are not relevant to the current application so are not included in this report.

## PLANNING ASSESSMENT

Unitary Development Plan Policy GE17 states in part (d) that, where it is appropriate, all rivers and streams will be protected and enhanced for public access and



recreation, by encouraging the creation of a continuous public footpath along one bank of major rivers and streams, except where it would conflict with important nature conservation interests or public safety.

National Planning Policy Framework 2023 (NPPF) paragraph 8 states that the social objective of sustainable development can be met by providing open spaces that reflect current and future needs of communities, which contributes to achieving sustainable development. Paragraph 97 states that planning decisions should plan positively for the provision and use of open space. The NPPF lists rivers as offering important opportunities for sport and recreation in its definition of 'open space'.

UDP policy GE17 is consistent with the principles of the NPPF and so can be afforded significant weight.

However, whilst the policy context is noted, this application is not considering the principle of the development, but the approval of details reserved by a condition which was imposed in 2014 to meet the identified policy objectives.

### Proposed Walk/Cycleway Design

The walkway's proposed route would begin adjacent to the existing footway to the north-east of the site. The formation of the walkway would involve the inward relocation of the existing fence which runs around STEPs' ancillary spaces and garden area. It would continue along the north-east facing boundary, where its width would range from 2.1 metres to 2.8 metres, then turn left through an approximately 40-degree angle, where the walkway would measure approximately 2.25 metres in width. The walkway would continue along the site's north-west facing boundary, measuring 2.0 metres to 2.2 metres in width, to where, at its endpoint, it would be 2.0 metres in width. At this point it would tie into the existing 3 metre wide walkway which skirts the adjacent Adlington apartment facility.

The existing (relocated) fence to STEPs would form the inner perimeter to the walkway. This existing fence is a 1.8 metre high paladin fence, which is made up of a robust mesh, powder coated in green. The riverside perimeter would comprise of a timber post-and-rail fence at a height of 1.4 metre above the level of the walkway.

These details represent a revision from the initial submission (with this application), which included a narrower pathway (maximum 2 metres wide) along the north-east facing perimeter. Additionally, the walkway's boundary treatment to the riverside was initially proposed as a close boarded fence and this has been revised to a post and rail fence to allow views of the river.

As proposed, the walkway's surface would be constructed from Breedon Wayfarer, a self-binding limestone surfacing material.

Due to the land's natural slope, it being part of the riverbank, some excavation and a small element of land lifting would be needed to provide a level walkway and enable the installation of the post and rail fence.

The proposed works would also require the removal of fourteen trees from the upper portions of the riverbank, which coincide with or sit immediately adjacent to the

walkway. 11 trees will be retained, along with the groups of trees that form the dense understorey, and the Arboricultural Method Statement submitted in support of the proposals specifies the sensitive earthwork techniques that would be used to protect the retained trees.

The width of the proposed walkway ranges from 2.0 metres to 2.8 metres. At its broadest, the walkway would be commensurate with the walkway provided elsewhere along the river's banks. At its narrowest, the width is constrained, which is not ideal, but not to a degree that would make it unusable and similar pinch points exist in other locations limited by existing development.

Similarly, the approximately 40-degree angled turn in the northern corner of the site and the transition point between the proposed STEPs walkway and the existing walkway adjacent the Adlington site are not ideal, and they do reduce visibility to a degree. However, given the proposed width of the walkway and lack of sharp angles or significant indents, and as the 'paladin' type fencing allows views through so that users of the walkway would be aware of other users approaching from the opposite direction, these constraints are not considered to make the walkway unsafe.

Concerns were raised about the nature of the proposed surfacing material, in relation to its longevity and on-going maintenance requirements, and it has been suggested that metal railings would be a preferable riverside perimeter treatment to timber post and rail fencing. However, these same details were approved as part of the Adlington walkway, and while it is evident that a degree of routine maintenance is necessary, the applicant has provided a Maintenance Plan, highlighting that annual inspections of the pathway would be carried out and committing to the prompt repair of potholes, a weed management strategy, winter maintenance and surface checks. The timber fencing would also be subject to annual checks and repairs.

Since the fencing and surfacing would correspond with the treatment of the Adlington walkway, and as a maintenance strategy is proposed, it is considered that these aspects of the proposal are acceptable.

It should be noted that condition 13 does not specify a minimum walkway width. Therefore, this does not provide the opportunity to resist approval of the submitted details simply because the width falls below 3 metres.

Whilst 14 trees would need to be removed as part of the current proposals, this is far fewer than the number that would need to be removed if implementing the more extensive engineering proposals approved under application 13/02019/COND1. The removal of only 14 trees would allow the tree group to retain its integrity and maintain its contribution to visual amenities of Abbeydale Road and the wider locality. STEPs would retain the opportunity to use strategic planting within their communal garden area to prevent any privacy impacts caused by inward views from the walkway.

Improvements have been made to the submission following negotiations with the applicant, but these have reached a point where no further improvements are likely to be forthcoming. The current submission includes the inward relocation of the STEPs fencing, and STEPs consider any further inward move will compromise the value of the outdoor space which provides an important function in the facility's rehabilitation

work.

Additional costs involved in extending the walkway out towards the river are not a material planning consideration. However, the additional tree removal and potential impacts upon the stability of the riverbank would be material issues of concern. Therefore, the current proposal is considered to represent the optimum achievable, though this does not rule out further improvements to the walkway in the future.

In this context, and given the points raised above, it is considered that the amended walkway proposals are acceptable and would deliver a further link in the River Sheaf Walk. The condition will remain in force given the requirement to implement the approved details, and approval would be subject to the implementation of the Maintenance Plans referenced above.

## RESPONSE TO REPRESENTATIONS

In relation to those comments not covered in the above assessment:

- The Garden Room structure would not prevent the implementation of the submitted details, although the walkway could potentially be increased in width were the structure not in place or located elsewhere. Whilst it is not currently authorised, it is included within application reference 23/03638/FUL which remains under consideration.
- A biodiversity net gain does not have to be demonstrated for approval of conditions details in respect of a planning permission granted over a decade ago.

## SUMMARY AND RECOMMENDATION

This application seeks the approval of details submitted to comply with Condition 13 of an outline planning approval 13/02019/OUTR which was granted in 2014. The condition has not been complied with and this application seeks to establish that the submitted details represent an acceptable alternative to details approved in 2016 under reference 13/02019/COND1.

It is acknowledged that the submitted details are not ideal, though not to the extent that they are considered to provide a reasonable basis for refusal, and negotiations with the applicant have reached a point where there is no scope to secure further enhancement of the proposals. Therefore, the currently proposed details are likely to be the best achievable and, with appropriate management, they would make a good contribution to the riverside walkway provision in this part of the city.

It is therefore recommended that the submitted details are approved and remain in force, given the on-going need for implementation of the approved details.

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