

Agenda Item 7

PLANNING AND
HIGHWAYS COMMITTEE

15th October 2024

SUPPLEMENTARY INFORMATION

APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS – SUPPLEMENTARY INFORMATION

1. **Application Number: 23/02892/OUT**

Address: Land At Rear Of 241 Burncross Road

Amended Condition:

It has been requested that condition 11 is amended to specify the recommendations of the ecology report within the condition, including reference to bird and bat boxes.

Condition 11 currently reads:

'No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall incorporate survey details of the important habitats species and their location on site the recommendations of the Preliminary Ecological Appraisal (Weddles) - Dated January 2024.

The habitats and species shall thereafter be managed in accordance with the landscape and ecological management plan with clear requirements for mitigation of impacts and avoidance strategies including the following:

- Additional survey(s) as required by Preliminary Ecological Appraisal (Weddles) - Dated January 2024.*
- Aims and objectives of management.*
- Detailed location, management and enhancement measures for important ecological features.*
- Identification of protected species using site and avoidance/protection measures.*
- Construction methods that will minimise impacts on habitats and wildlife.*
- Details of tree protection measures. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way.*
- Guidelines for the planting of additional/replacement trees throughout the site including species, planting specifications and locations.*
- a comprehensive and detailed hard and soft landscape scheme for the site, including full details of replacement tree planting.*

The Landscape and Ecological Management Plan shall thereafter be implemented as approved and any approved ecological mitigation measures shall have been

carried out/installed prior to the first occupation of the development or within an alternative timescale to be agreed in writing with the Local Planning Authority

Reason: In the interests of protecting the biodiversity of the site. It is essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.'

The condition is to be amended to the following:

'No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall incorporate survey details of the important habitats species and their location on site the recommendations of the Preliminary Ecological Appraisal (Weddles) - Dated January 2024.

The habitats and species shall thereafter be managed in accordance with the landscape and ecological management plan with clear requirements for mitigation of impacts and avoidance strategies including the following:

- Additional survey(s) as required by Preliminary Ecological Appraisal (Weddles) - Dated January 2024.*
- Aims and objectives of management.*
- Detailed location, management and enhancement measures for important ecological features.*
- Identification of protected species using site and avoidance/protection measures.*
- Construction methods that will minimise impacts on habitats and wildlife.*
- Details of tree protection measures. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way.*
- Guidelines for the planting of additional/replacement trees throughout the site including species, planting specifications and locations.*
- a comprehensive and detailed hard and soft landscape scheme for the site, including full details of replacement tree planting.*
- Ecological enhancements referenced on page 32 of Preliminary Ecological Appraisal (Weddles - dated January 2024.) shall be incorporated, including the provision of bird and bat boxes.*
- Swift bricks*

The Landscape and Ecological Management Plan shall thereafter be implemented as approved and any approved ecological mitigation measures shall have been carried out/installed prior to the first occupation of the development or within an alternative timescale to be agreed in writing with the Local Planning Authority

Reason: In the interests of protecting the biodiversity of the site. It is essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.'

Amended Condition

Condition 14 currently references South Yorkshire Passenger Transport Executive (SYLTE). SYLTE is longer in operation and has been replaced by South Yorkshire Mayoral Combined Authority (SYMCA). The condition is to be amended to reflect reference to the correct authority.

Condition 14 currently reads as follows:

'No development shall commence until the improvements to the highways listed below have either;

- a) been carried out; or*
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.*

Highway Improvements:

- Creation of new site access arrangements for vehicles and pedestrians broadly in accordance with submitted Drawing No: 1191- 001 published 12.09.2023*
- Accommodation works to street furniture and Statutory Undertakers equipment, including street lighting columns if necessary.*
- Repositioning of bus stop to South Yorkshire Passenger Transport Executive specification on the Burncross Road frontage.*

Reason: In the interests of public transport infrastructure and protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.'

Condition 14 is to be amended as follows:

'No development shall commence until the improvements to the highways listed below have either;

- a) been carried out; or*
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.*

Highway Improvements:

- Creation of new site access arrangements for vehicles and pedestrians broadly in accordance with submitted Drawing No: 1191- 001 published 12.09.2023*
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- Repositioning of bus stop to South Yorkshire Mayoral Combined Authority (SYMCA) specification on the Burncross Road frontage.*

Reason: In the interests of public transport infrastructure and protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.'

Officer Report correction

The officer report includes a heading entitled 'TILED BALANCE' on page 74 of the committee agenda. This reference is a typing error, and the heading should read as 'TILTED BALANCE.'

Officer report clarification

The recommendation within the officer report currently reads as follows:

'It is recommended that outline planning permission is granted subject to conditions and the completion of a S106 Agreement (to secure a net gain of biodiversity)'

The report is to be amended to clarify the reasoning for the S106 agreement. The recommendation is now to read as follows:

'It is recommended that outline planning permission is granted subject to conditions and the completion of a S106 Agreement to secure a contribution towards achieving a 10% net gain of biodiversity.'

2. Application Number: 23/02359/FUL

Address: 88 Middlewood Road

Officer Report correction

The officer report includes a heading entitled 'TILED BALANCE' on page 90 of the committee agenda. This reference is a typing error, and the heading should read as 'TILTED BALANCE.'

3. Application Number: 13/02019/COND3

Address: Jacobs Gate, 32 Troutbeck Road, S7 2AG

Additional Representations

1) A further representation has been submitted on behalf of Sheaf & Porter Rivers Trust. It is summarised as follows:

-Concern that Applicant(s) may attempt to avoid enforcement action regarding compliance with Condition 13 of approval 13/02019/OUTR to provide 3m wide riverside trail. Condition was not previously discharged, it was approved and remained in force, so therefore the design remains in force. The walk/cycle way was required to be provided prior to development being occupied. Despite applicant's statements the original submission acknowledged the correct drawing.

-Applicants are referring to numerous versions of plans, the separate ownership and impacts on trees to mislead the authority. The real purpose appears to be to retain

existing unauthorised building and additional building's intrusion into riverside space (as per the 23/03638/FUL proposals).

To rely on incorrect drawing would allow applicant to go against planning conditions and the objections of Environment Agency and over 50 objections (to 23/03638/FUL).

-Shared walk and cycle way must be minimum 3m wide. Determination of current application should be deferred until a time when the 3m path is confirmed to be provided.

-23/03638/FUL extension intrudes into area previously indicated for a 3m walk, and should not be approved until discharge of Condition 13 has been agreed.

-Unauthorised Garden Room is a further constraint on pathway width. The application 23/03638/FUL cannot be a method of attaining approval for that structure. It includes a largely unfunctional deck area, which STEPs' owners have previously agreed could be removed, to allow for widened path and concealment opportunity.

-Enforcement issues remain at Adlington site (the adjacent site), where there is no installation of approved boundary fence or a gate connection upstream. It appears more as a private garden than public route. If such planning conditions are not enforced, it would encourage further non-compliance.

Officer Response

-The Applicant has been informed that the previously determined condition application was based upon a drawing including a 3metre wide pathway. This issue has no implications on processing of 23/03638/FUL.

-The width of the currently proposed pathway is assessed in the main report.

-Issues concerning application 23/03638/FUL and/or enforcement issues at Adlington are not pertinent to the current application.

2) Councillor Peter Gilbert has submitted an objection to the application (and to 23/03638/FUL also). It is summarised as follows:

-Cllr Gilbert and many constituents have written in support of the Sheaf and Porter Rivers Trust representation(s) objecting to the planning application.

-Application 23/03638/FUL should be refused, unless extension is relocated to ensure adequate riverside space and public access to a 3m wide path wherever possible, ensuring safe and usable space, and protection of trees, vegetation and wildlife.

-The section of the walkway should be maintained as a public route, by the site owners.

-Enforcement action should be taken against STEPs to require removal and re-siting of structures at south-west corner of site (i.e. Garden Room). The Trust's

discussions with STEPs suggest that Room could be altered to allow a full-width path without impact on its use.

-Applicants are avoiding or mis-understand the details approved under 13/02019/COND1, which remain in force. The previous approval included a riverside path at 3 metres wide. As such, the current application should be deferred until suitable designs are submitted.

Response Comments

-Application 23/03638/FUL (including retention/relocation of Garden Room) is not relevant to the determination of the current application.

-The pathway would be required to meet the requirements of the relevant condition, originally imposed on 13/02019/OUTR.

-As stated above, the Applicant has been informed of the details which were approved under the earlier conditions application.

3) Councillor Douglas Johnson has received a comment from a resident of the Adlington development, which is raised for consideration as part of the Committee meeting or subsequently. It is summarised as follows:

-The Adlington development would be very close to Tesco if path was reinstated. Currently many residents are not able to navigate Troutbeck Road, due to steep gradient and uneven pavements.

-If the provision of the walkway is not fulfilled, there is an equality issue to be addressed. Council has duties under section 149 of the Equality Act 2010, where it must have due regard to various equality needs. Officer report doesn't address Council's obligations under Section 149.

Response Comments

-Comments summarised within main report, refer to the application's unlocking potential for further pathway connection upstream. No explicit reference to Equality Act 2010 has been made, though the significance of providing a connection from Troutbeck Road to Adlington site is implicit within the assessment. However, this application is not directly concerned with the matter of a 'missing link' in the walk to Tesco.