

## PLANNING AND HIGHWAYS COMMITTEE

SUPPLEMENTARY INFORMATION 18 January 2022

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

1. **Application Number: 20/03919/FUL**

**Address: 2 Rotherham Road, Handsworth, Sheffield, S13 9II**

#### **Revised Condition 2**

The External Works and Boundary Treatment Drawing reference should be Revision **C8** (not C7)

#### **Additional Representation from RMBC**

Rotherham MBC, having reviewed the additional information submitted by the applicant in relation to the inclusion of Waverley in the sequential and impact tests, maintain their objection.

They still do not consider that it has been fully assessed, as there may be potentially suitable sites at the proposed Lakeside Local Centre. They also consider that an impact test should be undertaken for the two centres proposed at Waverley, undertaken on the basis of the proposed retail development as a whole, using figures from existing similar centres, since the occupants of the developments are not yet known.

In response, your officers consider that these issues have been covered in detail in the report before you. In particular we have reviewed information in relation to the Highfield Commercial site and note that the extant permission is not being pursued as it is not commercially viable. This is clear in the planning statement that accompanies the more recent undetermined application which includes a discount food store.

It is also reasonable to conclude, in terms of the sequential test, that the Lakeside Centre is not reasonably available as it is not being marketed. This means that it is equally not possible to assess any impact with any degree of accuracy as it would be entirely hypothetical. It is also of a much smaller scale and, as such cannot accommodate the development and is not credible that this could accommodate a discount food store, given that this will be built at the Highfield Commercial site (which is the larger of the two proposed Waverley centres).

RMBC state that the impact on all retail elements within the two Local Centres at Waverley should be assessed as it can be assumed that a local centre will sell and provide goods and services for top-up shopping to meet day to day needs. It is recognised that Lidl offers a very limited range of non-food/drink items, representing

a small ancillary part of the range of goods sold at the store and in our view its small scale is at a level whereby it would be unreasonable to assess the specific impact of this ancillary shopping function.

### **Additional Representation from local residents**

Three additional letters of objection from residents have been received, issues of which are summarised below:

- The Transport Assessment is flawed and does not show any trip generation for cyclists; this has been omitted from the TRICS data and would expect a site of this size to generate cycle trips.
- They should also provide a set of covered, secure cycle parking for customers or staff.
- Plans are out of date as they do not show the new Fernite factory opposite the proposed entrance/exit to the application site; and should be taken into consideration with no decision being made unless all the information is available.

The Transport Assessment does look at accessibility by cyclists, pedestrians and public transport. It is acknowledged that estimates of the number of cycle trips have not been provided. However, it is the vehicle trips that would be most likely to cause any detriment to the operation of the highway. The alterations to the junction will go through the full Road Safety process, Stage 1 of which has already been carried out, and this will cover all road users.

The development will provide secure, covered cycle parking, details of which will be secured by condition. The agreed cycle parking will be such that it will be suitable for both short and long-term parking and therefore useful for both customers and staff.

### **Additional Highway Comments**

To the north, on the opposite side of Orgreave Road is a development site 'Fernite of Sheffield Limited' which has been granted planning permission (refer 19/03003/FUL) to erect a manufacturing facility with integral office accommodation. The site will be accessed via an existing means of access which is opposite the new access proposed for the Lidl store. Having the two accesses opposite each other does not raise any concerns from a highways perspective as the geometry and visibility for both accesses are acceptable and the situation would not present as a crossroads scenario, which would involve vehicles crossing over from one site to the other.

In assessing the Fernite development a robust transport analysis was carried out and showed that the maximum number of trips generated by the proposed development would be 6 trips during the peak hours, on any day; and that during a 12 hour period between 7am and 7pm there would be a maximum 51 trips.

The submitted Transport Assessment for the proposed development (20/03919/FUL), whilst it does not specifically identify Fernite as a committed development, it does apply growth factors to take account of future development in the area. The modelling shows that the junctions of Orgreave Road/Rotherham

Road and Rotherham Road/Retford Road for the future year of 2025 with Lidl traffic taken into account, will have spare capacity. Given that the limited traffic generated by the Fernite development site is not significant there would be no highway safety implications.

**2. Application Number: 21/02206/FUL**

**Address: 39-43 Charles Street and 186 -194 Norfolk Street**

**Additional Representation**

One additional objection has been received that does not raise any new issues that are not already summarised in the report.

**Amended Condition 26**

Reference in this condition should be to Conditions 28 and 33 (and not 27 and 32)

**3. Application Number: 20/04453/FUL**

**Address: Land Adjacent 19-41 Walkley Lane**

**PLANNING HISTORY**

The relevant planning history of the site was omitted from the committee report and officers apologise for this oversight.

03/01184/FUL – in July 2003 planning permission was granted for the erection of 24 flats and 8 dwellinghouses with associated car parking accommodation.

In this scheme the application site now under consideration was set aside as a landscaped open space area and the existing mature trees were to be retained. There were no legal agreements securing its retention in perpetuity.

04/02615/FUL - an application for the erection of 6 x 2 bedroom flats on the current application site was refused in June 2004 for two reasons:

- it constituted an overdevelopment resulting in the loss of open space, landscaping and privacy.
- it resulted in the loss of an area identified as open space within the approved development, contrary to Policy H16 of the Unitary Development Plan and the Council's Supplementary Planning Guidance Open Space Provision in New Housing Development.

The applicant appealed and the appeal was dismissed. Whilst he acknowledged the site's sustainable location and gave little weight to concerns regarding privacy, the Inspector concluded that the open space requirement could and should be met on site as there was no certainty of any suitable options for alternative off-site provision.

The original trees were felled in 2004.

Following some input from Enforcement Officers, the general landscaping condition (condition 3 of the 2003 consent) was largely implemented by 2006.

Since that time the site has become overgrown and is largely inaccessible.

It is also worth noting that changes in legislation and national planning policy, through the Planning Act 2008, the CIL Regulations 2010 and the National Planning Policy Framework, have changed our approach to open space provision. UDP policy H16 required on-site provision on sites of over 1 hectare, or a contribution if this was considered not to be appropriate. CIL is now the expected method for pooling contributions.

The site was sold on in May 2019 and residents of the original scheme have no rights to access it.

The time limit for enforcing any of the original conditions has passed.

### **Additional Representation**

An additional representation was received on behalf of the owners / Directors of Woodview Court raising the following concerns:

- They believe there may be a badger sett within a 30m radius of the site boundary and, having sought advice from an ecological specialist, understand that this is the standard minimum distance a proposed development must be from an active sett to avoid disturbance.
- A more thorough Preliminary Ecological Appraisal report would have been useful for bats, as some points are vague and lack clarity.
- There are potential issues with the loss of bat foraging habitat and connectivity to foraging areas.
- This site was previously subject to a failed Planning Appeal for a similar scheme. This is not mentioned in the Planning Officers report which is a fundamental omission and is misleading for the Planning Committee.

An Ecological Assessment of the site was undertaken and found no evidence of protected species and, importantly, the site is isolated so its ecological connectivity value is considered to be low.

### **Additional Condition**

Permeable paving is proposed and condition 8 already requires details of surface water drainage works to be submitted and approved by the local planning authority. However, to specifically prevent surface water from spilling onto the public highway, the following condition is also recommended:

The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures

shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

**4. Application Number: 21/00407/FUL**

**Address: Totley Hall Farm, Totley Hall Lane, Sheffield, S17 4AA**

**Revised Condition 2**

Following submission of the first of the Additional Representations (summarised below), amended drawings have been received. The amended details are:

- i) The 'PROPOSED STREETSCENES' drawing should be REV C published 14.01.2022 and not REV B published 11.11.2021.
- ii) The 'UNIT 11 - PROPOSED FOUNDATION WORKS' drawing should be Rev A published 14.01.2022 and not REV - published 15.12.2021.

**Additional Representations**

Two additional representations have been received from the occupier of Num. 20 Totley Hall Croft.

The 1<sup>st</sup> of these is summarised as follows:

- Streetscene drawing shows height of original cart shed as 1 / 2 metres lower than current proposal. Proposed increase in height will lift top of windows above the fence height, and create invasion of privacy.
- Building will also be overbearing so near to boundary.
- Incorrect roof height and floor level information is provided.
- Unit 11 New Foundation Work drawing shows incorrect information regarding the 'Dry Stone Retaining Wall'. Dry Stone Retaining Wall is the existing cart shed wall on its west and north elevation. It turns in the opposite direction to detail shown on drawing and runs full length of cart shed on north elevation.
- Building Regulation guidance is minimum distance for a new building to boundary is 1 metre. This is not complied with.

**Officer Response**

- The Streetscene drawing has been amended to give accurate height and floor level information. The separation distance and oblique angle to Num 20 Totley Hall Croft prevent any detrimental impacts upon privacy. The concern regarding overbearing was covered in the original report.
- The Unit 11 New Foundation Work drawing has been amended following the applicant's resurvey of the site and shows the extent of the drystone wall along the northern boundary.

- Building Regulations details and the contents of the semi anonymous letter are not material planning considerations and cannot be taken into account in the current assessment.

2<sup>nd</sup> Neighbour Representation:

- In the Officer Report the Landscape Issues section incorrectly assumes that the Tree 'T6' is the tree referred to in representations as a way marking tree. The way marking tree is Tree 'T2', which was referred to in 26 standard objection letters, and stands to the north west corner of the plot on a neighbour's garden.
- It has limbs overhanging 23 Stocks Green Drive and farm track, and will have work carried out 5 metres into its Root Protection Area. The building will sit under the tree's canopy. The objection letters refer to possibility of Tree 'T2' becoming unstable and future safety issues for adjacent properties.

Officer Response :

- The Officer Report did refer to Tree 'T6' as being the way mark tree. However, the Report also thoroughly considered the impacts on Tree 'T2' / the 'way mark' tree, where it was concluded that there would be no detrimental impacts on it.