

## PLANNING AND HIGHWAYS COMMITTEE 2 APRIL 2019

### SUPPLEMENTARY INFORMATION

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

1. Application Number: 18/03367/OUT

Address: Land Adjacent to 101 Ferrars Road, Sheffield, S9 1RZ

#### Report Correction

In relation to the financial contribution the report states that the money will be spent on replacement provision elsewhere within the city. It is highlighted that the legal agreement (which has not yet been completed) currently states that the money can be spent on replacement or enhancement of provision within the vicinity of the site. Officers have since requested that a spatial restriction is imposed in any legal agreement to ensure that the money is spent within the local area (specifically the Darnall Ward).

Sport England's exception policy requires replacement provision in the form of new football pitches and excludes the enhancement of existing pitches. As such the decision to include replacement or enhancement of existing provision in the legal agreement does not strictly accord with Sport England's Policy and Sport England have verbally confirmed that they would be minded to not withdraw their objection on this basis.

It is considered that if the money were required to be spent only on two replacement football pitches that such provision may be difficult to achieve within the Darnall Ward and it would be dependent upon whether any suitable sites were available to provide new provision. Sport England have confirmed that they would prefer replacement provision even if it was within the wider area of the City.

A number of sites have been identified in the local area where it may be possible to spend the money on provision of new pitches or enhancement of existing facilities including Mather Road, Tinsley Green and the Old Junior School Site on Bawtry Road. Officers are of the opinion that enhancement of existing provision should be included as an option in the legal agreement in order to ensure that the money can be spent in the local area, so that local people benefit directly from the scheme. This would also ensure the financial contribution was directly relatable to the scheme as required by Paragraph 56 of the NPPF.

The national planning practice guidance states that *a decision to grant or refuse a planning application ultimately rests with the local planning authority taking in to account all relevant planning considerations, and not just the advice from one consultee. Local Authorities should be aware of the need to be able to justify a*

*decision taken, including where it is contrary to a statutory consultee's view.*  
(Paragraph: 028 Reference ID: 15-028-20140306).

In light of the above, the legal agreement will seek to ensure provision or enhancement of football pitches.

Sport England have confirmed they are unlikely to withdraw their objection on this basis. However the scheme is not of a type that would need to be referred to the secretary of state if Sport England do not withdraw their objection as the site is not owned by the local authority and is not/has not (in the five years prior to submission of the planning application) been used by an educational establishment. It is therefore considered that it is not necessary to re-notify Sport England in this instance, although they will be advised as a courtesy.

### **Amendments to condition**

#### Condition 29

Amend time limit for implementation from 'prior to the occupation of any part of the development' to 'within 6 months of first occupation or 25% occupancy, whichever is first', to read as follows:

Within 6 months of first occupation or 25% occupancy, whichever is first, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

**2. Application Number: 18/04104/FUL**

**Address: 1 Ecclesall Road South, Sheffield, S11 9PA**

### **Additional Representation**

1 additional representation has been received, which is summarised as follows:

- Report includes no comment on the failure of the refuse vehicle tracking for the housing, and why no trees are shown outside plots 7/8.
- A full badger survey should be completed to assess impacts on badger habitat and movements due to construction of plots 1 / 2. This area wasn't included in the Preliminary Ecological Appraisal, and the plantation needs to be fully surveyed for badgers etc.

### **Response to Representations**

- The submitted vehicle tracking drawing shows a refuse vehicle being able to turn whilst avoiding the surrounding walling. Moreover, a driver would be able to undertake a 5 point manoeuvre instead of a 3 point turn, to increase separation distance/s if desirable.

Trees are not shown to the front of plots 7 / 8 on this drawing. However, it is not a landscaping drawing and trees are shown in other locations purely indicatively. A comprehensive landscaping scheme is required by condition and would include detailed planting specifications which could potentially include specimens in the area to the front on plots 7 / 8.

- The Preliminary Ecological Appraisal did survey the portion of the site which is proposed to be occupied by Plots 1 / 2. Whilst the highlighted aerial photograph showing the survey site (Figure 1) of the Appraisal incorrectly fails to outline the area occupied by Plots 1 / 2, the detailed survey map (Appendix Two) accurately identifies the application site's boundary and gives details of the surface type in this portion of the site demonstrating it was covered as a part of the survey.

The Appraisal concluded that the site showed no positive field signs of badgers such as paths, sett entrances, latrines or snuffle holes. The land within the site was therefore concluded as having negligible habitat to support badgers.

The vegetation along the embankment to the immediate east of the site was described in the Appraisal as potentially supporting badger, although no evidence was found during the survey.

No further surveys relating to badgers were considered necessary, and Council Ecologists agree with this conclusion.

Whilst no evidence of badger paths through the site was found during the survey, it is acknowledged that badgers may pass through the site from the surrounding woodland to Talmont Road. Condition 35 of the recommendation takes account of this, by ensuring an animal passage gap/s is included within the boundary treatment erected along the site's northern boundary adjacent to the proposed housing. This allows any existing or new movements to continue.

### **Amended Condition 34**

The following revision is recommended to ensure that the agreed car parking management plan applies to both car parks (ground floor level and upper floor level):

Use of the A1/A3, D2 and B1 uses hereby approved shall not commence until a Car Parks Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Parks shall permanently operate in accordance with the approved Car Parks Management Plan thereafter.

### **Amended Condition 49**

As currently worded, the restriction on the length of delivery vehicles would apply to the housing element of the scheme as well as the other parts. The housing component is capable of accommodating vehicles exceeding 8.01m, meaning the restriction doesn't need to cover this part of the development. As such, the condition should be amended to:

“Deliveries within the site **to the A1/A3, B1 and D2 uses** shall be restricted to vehicles of a size not in excess of 8.01m in length”

**3. Application Number: 18/03659/FUL**

**Address: Baker's Yard, Sheffield**

### **Amended Condition 12**

To make clear exactly which windows need to be obscure glazed, condition 12 should be amended to read:

12. The 4 no. windows on the elevations of the building facing west and south west shall be fitted with obscure glass, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

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

### **Additional Condition**

To prevent the temporary change of use of the ground floor retail unit to a restaurant or café under permitted development rights, the following condition is recommended:

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 4, Class D, or any order revoking and re-enacting that Order, there shall be no change of use from a use falling within Class A1 (shops) to a flexible use falling within Class A3 (restaurants and cafes) without the prior written approval of the Local Planning Authority.

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