

**PLANNING AND
HIGHWAYS COMMITTEE**

SUPPLEMENTARY INFORMATION

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

1. **Application Number** **19/02666/FUL**

Address **8 Meadow Head, Sheffield, S8 7AA**

Additional Neighbour Objection

A further objection has been received from a previous correspondent, which is summarised as follows:

- Applicant appears to have been coached through the process, without real consideration for views of community.
- Recommendation doesn't consider human cost.
- Application should be rejected, or if accepted the trading hours should be limited to 9pm each night of the week (allowing sleep and preventing delivery vehicle noise).

Comment/s on Additional Objection

- The National Planning Policy Framework expects a Planning Authority to engage with applicants in a positive and proactive manner. Simultaneously, neighbours' views are sought and these have been taken into account as part of the application. The views of the community as set out in the report have been taken into account in formulating the recommendation.

Additional Information

The Agent has commented, seeking to clarify that Papa John's are the Applicant, and they, Sanderson Wetherall, are the Agents.

Amended Condition

Condition 8

In order to give full clarity regarding Condition 8, it is recommended it be amended to:

Commercial deliveries to and collections from the building (**excluding customer take-away food orders**) shall be carried out only between the hours of 08:00-21:00 on Mondays to Saturdays and between the hours of 09:00-21:00 on Sundays and Public Holidays.

2. **Application Number** **17/03187/FUL**

Address **Little Intake Farm, Woodhead Road, Grenoside, Sheffield,
S358RS.**

Additional Directive

The applicant is advised that if the Local Planning Authority consider that the relevant planning conditions have not been discharged, and the works required to fully implement the permission have not been carried to their satisfaction within a period of 9 months from the date of this decision, the Local Planning Authority will take all necessary legal action, including enforcement proceedings, to secure the removal of any existing unauthorised development or uses.

3. Application Number 18/03187/FUL & 18/03188/LBC

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

Report Correction:

Page 134 of the LBC application and page 163 of the FUL report under the heading of Housing Mix refer to the development containing 'two, three, and four and five bedroom houses'. There are no four bedroom units within the scheme, and there is a one bedroom unit within the listed farmhouse conversion. This reference should therefore be to 'one, two three and five bedroom houses'.

Amended Condition:

Condition 2 (of 18/03187/FUL only)

To reflect the submission of updated site section drawings, this condition is amended as follows:-

3S154-MHA-01-001 Rev P1	Site Location Plan
3S154-MHA-01-003 Rev P6	Site Plan proposed
3S154-MHA-00-101 Rev P6	New build house general arrangement
3S154-MHA-02-000 Rev P4	Farmhouse G.A.
3S154-MHA-02-001 Rev P4	Barn G.A. Level 00
3S154-MHA-02-002 Rev P4	Barn G.A. Level 01
3S154-MHA-02-003 rev P3	Cartshed G.A.
3S154-MHA-04-001 Rev P2	Farmhouse and Barn Elevations
3S154-MHA-04-002 Rev P2	Farmhouse and Barn Elevations
3S154-MHA-04-003 Rev P2	Farmhouse and Barn Elevations
3S154-MHA-04-004 Rev P2	Farmhouse and Barn Elevations
3S154-MHA-04-005 Rev P2	Cartshed Elevations
3S154-MHA-03-001 Rev P2	Site Sections (Proposed)

4. Application Number 19/03536/FUL

Address 266 Glossop Road

Additional Councillor Objection

Councillor Mersereau objected to the proposed hours and fully supports the comments of residents who have objected. Councillor Mersereau stated that it is vital that the rights of residents are upheld and that the designation of a residential quarter is protected from erosion.

Comments on Additional Objection

The objection was made after the proposal description was amended with the renegotiated hours, and therefore it is taken that the objection relates to these hours, as well the initially proposed 04:00 closing time.

It should be noted that the site is not located in an area with any designation as a residential quarter. The site lies within the Central Shopping Area, as designated by the Unitary Development Plan, and outside the 00:30 closing zone identified by the City Centre Living Supplementary Planning Guidance and the Night Time Uses Interim Planning Guidance.

The presence and proximity of neighbouring residents is however acknowledged and the committee report has demonstrated that the amended hours are now considered to have acceptable impact on the amenity of residents.

Clarification

The first line of the Planning Assessment notes that the National Planning Policy Framework is not directly relevant to this proposal because the land use has already been established.

For clarity this statement relates to the land use only and it remains the case that the owing to no notable change in material circumstances since the original approval as a restaurant in 2018, the principle of this land use remains acceptable. Other material considerations have been assessed on their own merits within the assessment and in the context of the NPPF as relevant.

- 5. Application Number** **19/00037/FUL**
- Address** **Land at Junction with Herries Road, Herries Road
South and Penistone Road North**

Additional Submissions

The applicant has submitted revised drawings to clarify the extent of demolitions, highway improvements, and the street section and green wall details. These are referenced in the revised conditions.

Additional Consultee Response

Yorkshire Water Services Ltd has confirmed that they have no objection to the proposed development subject to a condition to safeguard the existing water main.

Additional Representations

Additional representations of objection have been received from Killaltagh Estates Ltd (the freehold owner of Hillsborough Exchange Shopping Centre) and the Upper Don Walk Trust:

Killaltagh Estates Ltd

- whilst the officer's report contends that Policy IB6 is not fully up to date, this relates to the policy requirement to undertake both the sequential and impact tests for retail development and not the designation of the land as a Fringe Industry and Business Area which states that large shops are specifically unacceptable.
- Policy IB6 continues to be fully applied by the Council in relation to other recent applications.
- there is no justification in the officer's report which demonstrates why the proposed development should be permitted despite non-compliance with Policy IB6.
- whilst the maximum floorspace cap and non-poaching conditions are welcome, they only cover impact on the vitality and viability of the District Centre. The proposed conditions fails to protect planned investment in the Centre because they don't provide any control over retailers who are not already trading there.
- the ability to attract new tenants will be severely compromised by the proposed development which provides modern retail warehouse units supported by free surface car parking.

Upper Don Walk Trust:

- the development has a direct access from Herries Road which will not accommodate a cycle facility until an unspecified date in the future.
- as the traffic generated by this application will add to existing congestion it seems reasonable for the developer to provide cycle facilities to encourage travel to be made by modes other than by car.
- unless a fit for purpose cycle facility along Herries Road is delivered at the same time as the development the Upper Don Trust wish to maintain their objection to this application.

In response to the objections raised....

Future Cycle Route

A future cycle route along Herries Road would form part of a wider strategic route being promoted by the City Council as part of their Transport Strategy. To ensure that the cycle route is safe and continuous, it would need to connect to the rest of the cycle route via a new crossing facility (such as a Toucan crossing) on Herries Road South together with a new link towards the Five Arches bridge.

It is considered that requiring the developer to provide this link would be disproportionate, in both extent and cost, to the impact of the proposed development and cannot be justified.

In terms of cycle trips, the submitted Transport Assessment used TRICS survey data to estimate that the proposed foodstore would generate:

Weekday AM Peak Hour	Arrivals 1 Departures 0
Weekday PM Peak Hour	Arrivals 1 Departures 1
Saturday Peak Hour	Arrivals 2 Departures 1

While the proposed retail park would generate:

Weekday AM Peak Hour	Arrivals 2 Departures 0
Weekday PM Peak Hour	Arrivals 2 Departures 3
Saturday Peak Hour	Arrivals 2 Departures 2

Moreover, providing a cycle route solely along the application site frontage without the continuous links and the crossing facility would encourage cyclists to negotiate the busy Herries Road and its junction with Herries Road South unaided, raising significant highway safety concerns.

In mitigation the applicant has agreed, as reported, to improvements to the shared pedestrian/cycle route along Penistone Road and to dedicate land on the fringes of the development to the Council so that the Council is in a position to comprehensively upgrade the off-road cycle facilities when funding has been secured.

In Relation to the Conflict of Development with Policy IB6

The site lies within a Fringe Industry and Business Area in the Unitary Development Plan where B1, B2 and B8 uses are preferred and should remain dominant under policies IB6 and IB9. The Core Strategy continues this general approach, whilst introducing some flexibility and encouraging a wider range of employment uses.

Specifically:

- The site is not identified as a location for office development in Core Strategy Policy CS3;
- Core Strategy Policy CS5(b) continues to promote manufacturing, distribution and warehousing in the Upper Don Valley, but not office uses; and
- Core Strategy Policy CS10 encourages a wider range of employment uses in the area, including retail uses.

The net result of the Core Strategy policies, when considered alongside the UDP policies, is to introduce a new strategic approach that requires the UDP business and industrial policies to be interpreted more flexibly. When the local plan policies as set out in the UDP and Core Strategy are considered together, the application provides sufficient economic benefits to be considered acceptable in terms of the existing local plan.

UDP Policy IB6 states that proposals must also comply with UDP Policy S5 which seeks to protect the vitality, viability and private sector investment in District Shopping Centres.

However, policies IB6 and S5 are given less weight as taking an absolute approach to refusing permission for large shops would not be consistent with the NPPF, unless it was also considered in the context of the sequential and impact tests. This was the view of the Inspector for the Next Home appeal in 2013 (APP/J4423/A/13/2189893) in relation to Core Strategy policy that sought a similar absolute approach to restricting the expansion of Meadowhall.

Ultimately, the application needs to be assessed in relation to the sequential and impact tests in the NPPF. The sequential test is passed and covered in the officer report to Committee. Impact is covered below insofar as it relates to Killultagh's latest representation.

UDP Policies IB10 and IB11 specify the criteria for permitting residential uses in industry and business areas. In this instance the proposal does not include such uses and it is confirmed that these policies are not relevant. Similarly, UDP Policy IB12 which encourages training centres and appropriate community facilities in industry and business areas, is not relevant in this instance.

In relation to the Impact of the development on Planned Investment

Part (a) of paragraph 89 and paragraph 90 of the NPPF state that where an application is likely to have a significant adverse impact on planned investment in a centre, then it should be refused. The investment at Hillsborough Exchange by Killultagh Estates is a planned investment in Hillsborough Centre that comprises partial demolition of the shopping centre and construction of a five-storey building containing 78 social housing apartments, together with ground floor commercial units in Use Classes A1 to A5 (2,634sqm floorspace, an increase of 639sqm on the existing).

The developer for Hillsborough Exchange stated in their original objection (dated 17 October 2019) that the planned investment in the Shopping Centre is marginal, but they described the development as being underpinned by the registered social housing provider, which suggests the development itself was not reliant on the commercial retail units at ground floor. As a result, we were not initially convinced that the proposal at Penistone Road would have a significant adverse impact on the planned investment. However, Killultagh's further representation on 12 November clarifies that investor confidence would indeed be affected by the proposal at Penistone Road to the extent that it would put their investment 'firmly in jeopardy'.

Although the no poaching condition is welcomed by Killultagh, they have firmly made the point that it will not provide any control over retailers who are not already trading in the Centre. Hillsborough Exchange will be attempting to attract new tenants and will have to compete with the proposal at Penistone Road. This will affect operator demand and investor confidence in the investment in Hillsborough District Centre, two key considerations when considering the impact on investment in the Planning Practice Guidance on Ensuring the Vitality of Town Centres. We

are therefore concerned that the proposal will undermine the support, maintenance and improvement of Hillsborough District Centre that the investment by Killultagh will bring. We can address these concerns by restricting the sale of fashion and footwear in units 2 and 3 of the proposal at Penistone Road.

In Relation to Impact on Vitality and Viability

The latest objection from Killultagh also makes reference to there being a significant adverse impact on the vitality and viability of Hillsborough District Centre. The applicant's impact assessment points to a monetary impact on Hillsborough District Centre of £6.16m by 2023 (approx.4% decrease in turnover).

An independent review on behalf of the local planning authority puts this figure at £10.5m (6.4% decrease in turnover) referred to in the Committee Report, but that is without the above restrictive condition on the sale of fashion and footwear. By including the condition, the impact on Hillsborough District Centre's turnover will be £1.14m lower at £9.36m (5.7%). This would reduce Hillsborough's overall turnover from £162.95m to £153.59m.

The overall benchmark for Hillsborough District Centre is £109.51m (this is based on the various companies' benchmarks operating in Hillsborough District Centre). When the impact of Penistone Road is accounted for, the Centre's turnover would still be £44.08m above that benchmark. This cannot be considered a significant adverse impact.

We point out in the Planning Committee report some discrepancies in our evidence base from the Retail and Leisure Study (2017) which would affect our reference point to Hillsborough's benchmark. Morrisons is a major retailer in Hillsborough District Centre and the Study ascribed a turnover of £103.27m to the store based on a household survey of residents across Sheffield and the surrounding areas. However, £33.6m of that turnover is likely to belong to a Morrisons at Penistone Road in Huddersfield. There is also £6m ascribed from the area around Doncaster, Bawtry and Finningley which seems unlikely given the distance. If these are accounted for in the turnover for Morrisons then it would be trading at £63.27m, £4.82m above its benchmark. For Hillsborough District Centre's turnover as a whole, its turnover would be £123.35m (£162.95m minus £33.6m and £6m) which would still be £4.48m above the benchmark for Hillsborough as a whole (£123.35m minus the impact of £9.36m which equals £4.48m above the benchmark of £109.51m). This still cannot be considered to be a significant adverse impact.

The table in the appendix sets out these impact figures from the independent review commissioned by the Local Planning Authority. They are lower than the figures quoted in the Committee Report because they take into account the condition to restrict the sale of fashion and footwear in units 2 and 3. The last column compares the monetary impact against the benchmarks (based on the Council's Retail and Leisure Study 2017).

The cumulative impact figures reported in the Committee Report – taking account the impact of the proposals at Penistone Road and at Malin Bridge and Jack's at Kilner Way – will also be slightly lower because of the condition restricting the sale of fashion and footwear in units 2 and 3.

For the three main Centres in the catchments of the proposals – Halifax Road, Catch Bar Lane and Hillsborough – the figures will be 24.9%, 25% and 8.3% respectively. This is a reduction of between 0.7% and 2.1% on the figures quoted in the Committee Report.

The post-impact turnover for Hillsborough District Centre will be £1.61m above the benchmark when accounting for the discrepancy in the Retail and Leisure Study (2017), described in the above paragraphs and taking into account cumulative impacts.

The independent reviewer has clarified their assessment of the impact of restrictive conditions and has advised that the restricted sale of non-food goods at the two proposed comparison goods units should be secured by both a condition restricting the sale of fashion and footwear goods as well as a 'no poaching' condition. These are in addition to conditions to include a total cap on the Class A1 retail area of 3,199 sqm gross, and a limit to convenience retailing to Unit 1 only. Both the 'no poaching' condition and the comparisons goods restriction aim to address the harm to investor confidence in existing, committed and planned investment. The restricted comparison goods condition will also mitigate impact on vitality and viability of the centres.

It is further considered that a condition prohibiting the sub-division of the units into smaller units is required to limit the impact on the viability and vitality of the existing centres particularly the local centres at Catch Bar Lane and Halifax Road.

Following assessment of the matters raised in the additional representation it is considered that the retail element of the proposed development continues to be contrary to UDP Policies IB6 and S5. However IB6 and S5 have less weight and taking an absolute approach to refusing permission for large shops under Policy IB6 would not, as described above, be consistent with the NPPF unless it was also considered in the context of the sequential and impact tests.

On further review of the impact tests in light of the matters raised in the additional representation, it is considered that the proposed development would not, subject to appropriate conditions, result in a significant adverse impact on the planned investment, and would not have a significant adverse impact on the vitality and viability of the Hillsborough District Centre.

Recommendation

There is no change to the recommendation. There are, however, some new and amended conditions as listed below.

Amended Conditions

Condition no. 2 (approved drawings):

Update revision number on drawing 13622-174 Rev A Proposed Street Sections to 'Rev B', and on drawing 13622-175 Rev A Proposed Detail Sections to 'Rev B';

Add drawing no. 13622-152 Proposed Demolition Plan Rev A.

Condition no. 12 (highway improvements):

Part (i) update revision number on drawing SCP/18445/F13 to 'Rev B'.

Part (iv) remove unnecessary wording 'stretching as far as possible'.

Condition no. 36 (dedication of land):

Reword as follows:

No development shall commence until the improvements (which expression shall include traffic control and cycle safety measures) 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:

(i) the dedication of land identified on submitted drawing number SCP/18445/F15 Revision E required to accommodate capacity improvements at the junction of Herries Road South with the A61 (together with cycling infrastructure improvements) to the City Council from the land owner at no cost to the City Council, to occur when the highway improvement scheme is commenced.

Reason: To enable the above-mentioned highways to accommodate the improvements in cycle facilities and in the interests of protecting the free and safe flow of traffic on the public highway.

Condition no. 37 (Siting of Units 2 and 3):

Reword as follows:

Notwithstanding the indication given on the submitted drawings, details of the siting of Unit 2 and Unit 3 are not hereby approved. No construction works (including foundations or the laying of services) shall commence on Unit 2 or Unit 3 until full details of the siting and foundation design of Unit 2 and Unit 3 has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include but not be exclusive to evidence (via trial holes) of the route of the 30 inch treated water main that is located within the vicinity of Units 2 and 3 and the means of ensuring that access to the water main for the purpose of repair and maintenance by the statutory undertaker is retained at all times.

Reason: In the interests of protecting the existing large diameter water main on the site.

Condition 40 (No obstruction to water main)

Reword as follows:

During all phases of the development (construction and operational), no buildings/structures shall be erected within 3 metres of the 30 inch diameter water main that is located within the site boundary and no trees shall be planted within 5 metres either side of the aforementioned water main.

Reason: To ensure there is no obstruction to the 30 inch water main for the statutory undertaker for the purposes of and maintenance and repair.

Condition 53 (No poaching condition):

Reword as follows:

For a period of five years from the date of grant of this permission, none of the retail floorspace hereby approved shall be occupied by any Class A1 retailer who at the date of grant of this planning permission, or within a period of 24 months immediately prior to the occupation of the retail floorspace hereby approved, occupies retail floorspace within the Hillsborough District Centre (as shown delineated in blue on plan number HDC1) unless such Class A1 retailer has submitted a scheme which includes a legally binding obligation on them to retain that presence as a retailer within the Hillsborough District Centre for a minimum period of 5 years following the date of their occupation of any retail floorspace hereby approved, and such scheme has been approved in writing by the Local Planning Authority.

Reason: In the interests of the vitality and viability of the Hillsborough District Centre and nearby local shopping centres.

Add Condition 54 (Restriction on retail goods):

Unit 2 and Unit 3 shall not be used for the sale of the following goods:

- (i) footwear;
- (ii) fashion goods.

Reason: In the interests of the vitality and viability of the Hillsborough District Centre and nearby local shopping centres.

Add Condition 55 (no subdivision of retail units):

The retail units (namely Unit 1, Unit 2 and Unit 3) shall not at any time be subdivided into smaller units.

Reason: In the interests of the vitality and viability of the Hillsborough District Centre and nearby local shopping centres.

Appendix 1

Location / Centre from which trade is diverted	Cumulative convenience and comparison impact (inc. Jack's)		Compared against benchmark
	£m	%	£m
Chaucer District Centre	1.42	2.6	10.01
Halifax Road District Centre	3.10	17.2	-3.03
Kilner Way Retail Park	2.58	6.8	-2.58
Southey Green Local Centre	0.13	7.5	-0.43
Sainsbury's, Clay Wheels Lane	2.43	7.0	-18.62
Herries Road Local Centre	0.13	3.5	-5.94
Catch Bar Lane Local Centre	2.09	17.2	-1.95
Dykes Hall Road Local Centre	0.31	5.7	2.62
Hillsborough District Centre	9.36	5.7	44.08 ¹
Malin Bridge Local Centre	0.03	1.8	-0.03
Aldi, Flora Street	1.41	5.1	15.07

¹ £4.48m when taking into account the discrepancy in the Retail and Leisure Study (2017) outlined above.

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