

SUPPLEMENTARY INFORMATION

APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS – SUPPLEMENTARY INFORMATION

1. **Application Number:** 18/01813/FUL
- Address:** 185 Middlewood Road

Representations

The applicant has suggested that the conditions attached to the licence be also attached to the planning permission in order to show regard has been taken of objectors concerns.

Response to Representation

Members will be aware that it is not for the Local Planning Authority to duplicate the requirements of other legislation. Where there is an overlap and similar conditions have been proposed, the more restrictive of the conditions should be complied with. Other conditions on the licence are not planning matters and cannot be included.

Further Assessment

Section 149 of the Equality Act 2010 requires public authorities, when carrying out their functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and other prohibited conduct;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- foster good relations between persons who share a protected characteristic and persons who do not share it.

Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In this context for example, due regard must be had to factors such as whether the proposed development advances equality of opportunity for disabled people (or indeed people with any other protected characteristic) to benefit from the use compared to persons who do not share that protected characteristic. Factors which must be taken into account include whether the proposed development removes or minimises disadvantages suffered by persons with a protected characteristic, and

takes steps to meet needs of persons who share a protected characteristic that are different to the needs of persons who do not have it.

Officers have had due regard to such factors and advise that it can be concluded that the proposed development, which provides improved wheelchair accessibility, affords a particular user group (being people with limited mobility) improved access to the premises without any significant harmful implications for other users, including users with other impairments and other protected characteristics.

Amend Condition

Condition 11 should read:

The rear yard shall at no time be accessible to customers except where required in case of emergency

2. **Application Number:** 18/01806FUL

Address: 99 High Street, Mosborough

Additional Representation

Clive Betts MP has sent a further objection following the submission of amended plans, raising the following points:

- The extension still extends a long way into the back garden in what is essentially a residential area with a couple of commercial properties between
- Extending by over 10 metres in a residential context is excessive and would not be sanctioned for a dwelling
- The applicant ought to consider relocating their practice if they want to expand to this extent
- The increased practice size will lead to additional parking problems which are widely reported by constituents in the Mosborough High Street area
- Concern that not enough neighbours have been consulted about the proposals

Officer Response

The report presented to Members clearly outlines the impact of the proposals on neighbouring residents and concludes that on balance the proposal is acceptable, particularly when taking account of the wider public benefits of the proposal in providing additional dental services to the local community.

In that respect it is worth noting Section 149 of the Equality Act 2010 which requires public authorities, when carrying out their functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and other prohibited conduct;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

- foster good relations between persons who share a protected characteristic and persons who do not share it.

Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In this context for example, due regard must be had to factors such as whether the proposed development advances equality of opportunity for disabled people (or indeed people with any other protected characteristic) to benefit from the service the surgery provides compared to persons who do not share that protected characteristic. Factors which must be taken into account include whether the proposed development removes or minimises disadvantages suffered by persons with a protected characteristic, and takes steps to meet needs of persons who share a protected characteristic that are different to the needs of persons who do not have it.

Officers have had due regard to such factors and advise that it can be concluded that the proposed development, which provides two ground floor surgeries with improved wheelchair accessibility, affords a particular user group (being people with limited mobility) improved access to the surgery without any significant harmful implications for other users, including users with other impairments and other protected characteristics.

Amended Condition 2

It is proposed to remove reference to the following 2 plan reference numbers as they were submitted for illustrative purposes only to illustrate the impact from the two neighbouring properties:

2018-10c (proposed front and side elevation) published 17.07.18
2018-09b (proposed rear and side elevation) published 13.07.18

3. **Application Numbers:** 18/01783/FUL & 18/01784/LBC

Address: Meps (International) Ltd, 263 Glossop Road

Clarification

The summary and conclusion in the officer report references Policy BE5 (Building Design & Siting) of the UDP but the report does not in itself address this specific policy. This policy advocates that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. It also states, amongst other things that original architecture will be encouraged but that extensions should respect the scale, form and materials of the original building. Reference is made to giving corner sites special architectural treatment to create a lively and interesting environment.

For all the reasons already stated in the officer report it is considered that the proposed development is in accordance with the aims of this policy. It is a bold and contemporary addition to a corner site which respects the form and mass of the adjacent listed buildings whilst clearly displaying original architecture.

Clarification of Heritage Duty

It is confirmed that the Local Planning Authority has exercised its planning functions and fulfilled its general duty in relation to Section 72 (Conservation Areas) of the (Listed Building and Conservation Areas) Act 1990. In particular special attention has been paid to the desirability of preserving or enhancing the character or appearance of that area.

The historic interest of the Hanover Conservation Area is in relation to a number of issues, including the historic 19th C street pattern; the unity of the architecture; the presence of gothic listed buildings; the architectural quality of individual buildings (with many listed buildings); large roadside trees on Wilkinson Street; cobbled streets in some areas; stone piers and gateposts. It is however recognised that the area within which this site is located was severed from the main area by the carving through of the ring road. Your officers have had regard to the main interest and purpose of the Conservation Area designation in reaching a conclusion on the acceptability of this proposal and have concluded that it will not be harmful to the heritage assets and indeed will make a positive contribution.

4. **Application Number** 17/04388/FUL

Address 36 – 38 Market Square, Woodhouse

Amended condition 23

The ground floor shall be faced in natural stone, and the top floor faced in standing seam metal cladding or equivalent system.

Reason: In order to ensure an appropriate quality of design

5. **Application Number:** 18/01530/FUL

Address: 39 Bailey Street

Additional Representation

Additional comments have been received expressing concern about rowdy/antisocial behaviour stating that on street noise levels will not be controlled by site management and requesting a curfew on the communal areas of the development.

The potential suspension of on street parking bays at the start and end of term to aid students moving in an out and minimise congestion has been questioned as to whether this will relate to the whole street or just the on-street parking bays and whether this would benefit students living in Mandale House.

Students residing in the scheme will have to sign a tenancy agreement which includes anti-social clauses. Failing to comply with the agreement could lead to them being evicted from the development by the management company and this

can apply to behaviour on-street in close proximity to the development. Reception will be manned from 9 to 5.30 every day but there will also be a rota of 3 senior live-in students who are residential co-ordinators. They benefit from a reduced rent in recognition of their role and their responsibilities include dealing with anti-social behaviour issues. There will be a board on the front of the building with a phone contact for local residents to raise concerns about anti-social behaviour issues. It is not considered necessary to control the hours of use of the communal space because there are student bedrooms directly above the space within the building and bedrooms directly adjoining the amenity space at the rear. Therefore it will be in the interests of the management company to control the use of these spaces so that they do not get complaints from their own residents. In addition some of the communal spaces provide access routes to bin and bike stores and so must be free for use at all times.

The highways officers responsible for on-street parking have indicated that they will be unlikely to agree to the restricted use of on-street parking at the start and end of term. This is referred to in directive 8 on the decision notice. Condition 10 requires a strategy for dealing with drop off and pick up at the start and end of term to be submitted for approval.

6. Application Number: 18/01077/FUL

Address: 79 Hoyle Street

Clarification of Commercial Use

To clarify, the proposed uses of the two small ground floor commercial units are Class A1, A2, A3, B1a, D1 and D2. The officer report does not refer to A2 in the 'Location and Proposal Section'.

Clarification of Heritage Issues

The following items are clarified, for the avoidance of doubt.

1. General Duty

It is confirmed that the Local Planning Authority exercised its planning functions and fulfilled its general duty as respects listed buildings in relation to the Planning (Listed Buildings and Conservation Areas) Act 1990. In particular:

Section 66 (listed buildings) - In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

And;

Section 72 (Conservation Areas) - *In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the planning acts, or part 1 of the Historic Buildings and Ancient Monuments Act 1953, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*

2. Harm

Following consultation with Historic England throughout the pre-application and application stages, it is confirmed that any harm caused by this development to the setting of the Scheduled Monument – by reducing its dominance (both its historic dominance and its managed dominance) over the surrounding area and buildings – will be less than substantial. The harm in this case is considered to be outweighed by the public benefits of bringing the site back into use and measures that include securing the consolidation of the Scheduled Monument and its future management, archaeological works proposed and the design of the development.

Relevant Planning History - correction

It is confirmed that the screening request listed in the officer report is incorrect and refers to a different development. To clarify, the Environmental Impact Assessment screening requested that is directly relevant to this application is:

18/01595/EIA: EIA (Environmental Impact Assessment) screening opinion for the demolition of existing building/associated structures (excluding the Cementation Furnace) and erection of a mixed use development comprising 247 residential units (Use Class C3) 658 student bed spaces (Use Class Sui Generis), commercial uses (Use Classes B1a, A1-A3, D1 and D2) with associated access, parking, servicing and landscaping works.

The outcome of the screening opinion – as described in the officer report – is accurate.

Planning Obligation

The officer report refers to Circular 05/05: Use of Planning Obligations, which has been archived and superseded by the NPPF (paras. 54 – 57). It is confirmed that the tests for a planning obligation remain the same and relevant.

Additional Representation

An additional objection has been received stating:

- Object to the height of the tallest section and the way the building goes right to the pavement on Meadow Street.
- Sheffield streets are being turned into tunnels by these monolithic student flat buildings.
- The existing green perimeter on Meadow Street should be maintained rather than the brutalist cliff face being offered.

- Meadow Street should be widened and green perimeter should be maintained because it is becoming a major route for students and the development will increase this.
- 11 floors is too high. Brass Founder is much more sensitive.

The comments made are noted. It is considered that justification relating to the proposed design and architecture (including its location and justified scale, appearance and layout) is included in the officer report and, notwithstanding the concerns of the objector, the development is considered to be acceptable in such terms.

With regard to Brass Founders, the hierarchy of streets in the area and site constraints dictate that a smaller building (maximum of 7 storeys) is more appropriate. It is considered that the application site, which is on the Ring Road, can accommodate a building of bigger scale.

It is confirmed that this application includes improvements to all pedestrian footways that adjoin the application site. This includes footway widening, resurfacing and tree planting to help improve the existing pedestrian environment in acknowledgement of the existing footfall that will be generated.

With specific reference to Meadow Street, it is confirmed that its width will be increased from around 2m to around 6m wide (5.5m – 6.2m), it will be repaved and it will include a new bus stop and layby provision. This is partly proposed in recognition in the existing and future use of Meadow Street, which has intensified over the years and is expected to increase as a consequence of this development.

For these reasons as well as the reasons already stated in the officer report, it is considered that the proposed development is acceptable and in accordance with the aims of policy.

Conditions

Following the publication of the Committee Agenda, the applicant has requested that a number of changes are made. These changes generally relate to specific trigger for submission of the details (specific / relevant phases of the development) as well as matters of implementation. This negotiation has taken place but the detailed amended conditions are not included on this supplementary because they are technical matters that do not change the overall meaning / requirement of the condition.

In light of this, your Officers request that delegated authority be granted to the Chief Planning Officer to conclude discussions with the applicant and make minor (non-material) changes to the listed conditions.

Amended Conditions

Condition 5 has been amended to include the following highlighted points:

“No development of any phase (including demolition, construction, or other enabling, engineering or preparatory works), shall take place until a **Demolition Management Plan (DMP)** or a Construction Environmental Management Plan (CEMP), relevant to that phases, has been submitted to and approved by the Local Planning Authority.

The DMP / CEMP shall assist in ensuring that all such activities are planned and managed so as to prevent nuisance to occupiers and/or users of nearby sensitive uses and damage to key assets/infrastructure within and adjacent to the site. It will document the Contractor's plans to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust and light nuisance as well as the proposed means of heritage and infrastructure protection.

As a minimum, the DMP / CEMP shall include:

1. Strategies to mitigate any residual effects from noise and vibration that cannot be managed to comply with acceptable levels at source;
- 2. Final details and confirmation of the mitigation strategy to minimise any harmful impact on air quality during the construction phase (as set out in the Air Quality Assessment, March 2018 Ref. No. 003)**
3. Details relating to the permitted working hours on site, and include a fugitive dust management plan;
4. Details of all methods to be used to secure the protection of the archaeological remains within the area of in situ preservation (as set out in the Technical Note: Archaeology Mitigation Strategy by ECUS, Project No: 10407, Revision v.1.2, May 2018, Figure 2, dwg. ref. JET/10407.2);
5. Details of all measures to be used to secure the protection and monitoring of the Scheduled Monument known as Cementation furnace, Hoyle Street (NHLE 1004791) during all demolition and construction works.
6. Details of the measures to protect the water supply infrastructure that is laid within or adjacent to the site boundary during all demolition and construction works.

The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties, and in the interests of protecting the site's valuable heritage assets.

Deleted Conditions and Directives

As a consequence of the discussions above, it is confirmed that proposed Condition 4 and Directive 2 are deleted.

Additional Conditions

The following additional conditions should apply to any decision:

1. Before that part of the development is commenced, full details of the following bio-diversity enhancements shall have been submitted to and approved by the Local Planning Authority:
 - Bird Boxes – a range of boxes shall be provided across the development to provide nesting provision for a range of garden / urban bird species.
 - Bat Boxes – roosting provision through bat boxes / tubes incorporated into the building design.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the ecological amenity of the site and in order to ensure that biodiversity enhancements are secured as part of this development.

2. The student accommodation shall not be used unless full details of a management plan to control student arrivals/departures associated with moving in to/out of the accommodation shall be submitted to and agreed by the Local Planning Authority. Thereafter such management plan shall be adhered to.

Reason: In the interests of highway safety

3. The site shall be developed with separate systems of drainage for foul and surface water on and off site up to the point of connection with the existing public sewer.

Reason: In the interests of satisfactory and sustainable drainage.

7. Application Number: 18/00242/FUL

Address: Land Bounded By Upper Allen Street, Daisy Walk,
Netherthorpe Road And Well Meadow Drive

Clarification of Heritage Duty

It is confirmed that the Local Planning Authority exercised its planning functions and fulfilled its general duty in relation to the Planning (Listed Building and Conservation Areas) Act 1990. In particular:

Section 72 (Conservation Areas) - In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the planning acts, or part 1 of the Historic Buildings and Ancient Monuments Act 1953, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

Planning Obligation

The officer report refers to Circular 05/05: Use of Planning Obligations, which has been archived and superseded by the NPPF (paras. 54 – 57). It is confirmed that the tests for a planning obligation remain the same and relevant.

Conditions

Condition 4 has been amended to include the following highlighted point:

No works of demolition, construction, nor other enabling, engineering or preparatory works associated with this permission, shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority.

The CEMP shall assist in ensuring that all such activities are planned and managed so as to prevent nuisance to occupiers and/or users of nearby sensitive uses and will document the Contractor's plans to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, and light nuisance. The CEMP shall include strategies to mitigate any residual effects from noise and vibration that cannot be managed to comply with acceptable levels at source. The CEMP shall also include details relating to the permitted working hours on site **and final details of the mitigation strategy to minimise any harmful impact on air quality during the construction phase (including a fugitive dust management plan).**

The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties.