

**SUPPLEMENTARY INFORMATION**

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

- 1. Application Number      14/02614/FUL**  
**Address                      245 Ecclesall Road**

**Additional Representation**

An additional representation has been received from Cllr Jayne Dunn

Summary of points raised:-

The proposal will increase noise and disturbance for residents living in the locality particularly given that the use is outdoor.

Environmental Protection Officers are already engaged in resolving nuisance complaints.

Light pollution may result from the lighting of the café in the Winter months

- 2. Application Number      14/02765/FUL**  
**Address                      623 Ecclesall Road**

**Amended Description**

To make clear that the application relates only to the ground floor of the premises, the description is to be amended to read:-

‘Use of ground floor of building as a public house (Class A4 – Drinking Establishments)’

**Additional Representations**

Two further representations have been received from the same individual objecting to the proposals owing to the absence of disabled facilities at the premises.

Whilst the access to the entrance to the proposal is described in the report as level there is a very small step into the premises. It is therefore considered necessary to add a condition requiring a limited re-grading of the forecourt to achieve level access. The applicant is aware of this addition.

The objections refer to the absence of an accessible toilet to serve the premises. Whilst the report does respond to this matter further clarification is given here:

UDP Policy BE7 'DESIGN OF BUILDINGS USED BY THE PUBLIC' states:

In all buildings which are to be used by the public, provision will be expected to allow people with disabilities safe and easy access to the building and to appropriate parking spaces. The provision of other facilities for people with disabilities or with young children will be encouraged, including:

(b) toilet facilities;

This policy clearly indicates a difference in emphasis between those services which are 'expected', (i.e. easy access to the building and appropriate car parking) and those services that will be 'encouraged' (i.e. toilet facilities)

Consideration was given to the provision of further toilet facilities within the building but given the very limited floor area available it was not considered reasonable to seek construction of a bespoke toilet cubicle to the lower ground floor area of the unit given that this would involve losing a substantial proportion of the customer floor space.

The Applicant has written in this regard and stated that the introduction of a disabled toilet would so reduce the trading space as to render the business not viable.

In this context and given the policy position it is not considered that it would be reasonable to insist upon disabled toilet provision for a unit of this size.

For information, the Disability Discrimination Act states the following

Duty of providers of services to make adjustments...

(1)Where a provider of services has a practice, policy or procedure which makes it impossible or unreasonably difficult for disabled persons to make use of a service which he provides, or is prepared to provide, to other members of the public, it is his duty to take such steps **as it is reasonable**, in all the circumstances of the case, for him to have to take in order to change that practice, policy or procedure so that it no longer has that effect.

### **Additional condition**

The micro-pub shall not be used unless a level threshold has been provided to the entrance thereto in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such level threshold shall be retained.

R034

<b>3</b>	<b>Application Number</b>	<b>14/02000/RG3</b>
	<b>Address</b>	<b>Hallam Primary School, Hallam Grange Crescent</b>

## **Additional Submissions**

The applicant has submitted a revision to the application forms clarifying in Question 18 that the floorspace data provided refers to use class D1 not D2.

## **Additional Representations**

Four additional representations, (three from the same person), have been received. Most of the concerns have been set out in the report but the following additional matters have been raised:

- there is a change of use involved should the multi-use games area not only be used by the school (D1 non-residential institutions) but also community use (D2 assembly and leisure – including outdoor sports), this change is not permitted under the General Development Orders and a planning application is required;
- there has been no out of school hours use (after 8am to 5pm, weekdays during term time) for this part of the site for at least 13 years, any intensification would be material and significantly detrimental to residents amenity, concerns do not apply to school grass playing fields that were available for public use until 2 years ago;
- the application form and description makes no reference to a change of use, there are hidden references to potential community use within the documentation but this does not represent an application for it;
- without a revised planning application that seeks change of use local residents are not afforded the ability to comment on the proposal;
- the applicant has incorrectly stated that the proposal would result in a net loss of D2 floorspace and as such the application cannot be approved on that basis;
- do not see how the Council can approve the application and still satisfy the requests of Sport England, neither SCC Education or school prepared for Sport England requirements, it's an opportunity for Sport England to apply blanket approach to all developments which impact on their remit, design of MUGA does not take this into account, elements in the design of the MUGA would need to be considered in a different context if it is for community use such as bunding, landscaping, additional traffic outside school peak hours.
- school should be required to consult with all neighbouring properties in the development of a Community Use Plan if one is required through any condition to enable school to take account of residents views before submitting for a change of use in the future should they consider extending hours of use.
- On Monday, 33 cars were parked in the parking area meant to accommodate 26 cars showing the current plan for 39 spaces will be too small. The 18 additional temporary spaces should be made permanent with materials that will be able to withstand the boggy conditions during Winter as the ground, at times, cannot support the weight of a person, let alone 18 cars

## **Planning Assessment**

The applicant stated in their submitted documents that it is anticipated that the school will be able to liaise with the community in order to allow the usage of the pitches and the multi-use games area by non-school groups (section 4.1.1 and 4.1.5 of the applicant's Town Planning Supporting Submissions document)

Non-residential education uses fall within Use Class D1 (non-residential institutions). Educational use may involve many ancillary aspects so long as these activities remain

ancillary to the primary use. Whether there is a change of use resulting from the use of school facilities out of hours by other organisations or the general public is assessed, as a matter of fact and degree.

In this instance, on the basis of the information provided in the planning application the use of the school facilities out of hours by other organisations or the general public is intended to remain ancillary to the primary use of the school within use class D1.

The conditions recommended requiring details of a community use scheme and details of the hours of use of the multi-use games area to be submitted before the development is brought into use will enable the ancillary nature of these uses to be assessed. Should this materially change (whether or not this is through the terms of the community use agreement) such that the use of the site becomes a dual/mixed use of D1 and D2 uses, planning permission would be required.

No changes are suggested to the recommendation as a result of these representations.

**4 Application Number 14/01031/CHU**

**Address 176-178 Main Street, Grenoside**

**Condition 3**

**Add:** The hours of use, as set out above, shall not be brought into use until the equipment specified in the approved ventilation scheme, as set out in condition No. 6, to control the emission of fumes and odours from the premises, has been installed. The LPA shall be informed of this on completion of the installation.

**5 Application Number 14/01042**

**Address 176-178 Main Street, Grenoside**

**Correction**

Page 89 In Summary and Recommendation, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> sentence, replace "6 weeks" with "4 weeks"