

## SUPPLEMENTARY INFORMATION

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

1. **Application Number: 13/02529/FUL**

**Address**                      **Units 1 - 2, 3, 8 - 9 And 14  
The Plaza, West One  
Fitzwilliam Street  
Sheffield  
S1 4JB**

Two additional letters of representation have been received the issues are summarised as follows:

- Residents expressed a concern that as the meeting is to be held at 2pm in the afternoon they cannot attend due to work commitments.
- Residents have lost count of the times applications have been submitted to extend the opening hours and it is an inconvenience for residents to have to continually express their objection to the proposals.
- The circumstances have not changed since the previous application.
- Once the application is refused the businesses should not be allowed to continually apply to extend their hours of operation.

2. **Application Number 13/02562/FUL**

**Address 412-416 Ecclesall Road  
Sheffield  
S11 8PJ**

#### **Additional Representations**

A further representation has been received from Cllr Stuart Wattam stating that the alcohol sales and late night opening will add to considerable problems in the area, with complaints about other similar premises already in that specific area.

A representation has been received from the Applicant seeking to vary the wording of several conditions. The conditions are listed below in their originally drafted form, followed by the applicants concerns (in *italics*), and then any recommended amendment to the conditions (in **bold**) :-

#### Condition 4

Original draft:

The sale of alcohol shall at all times remain ancillary to the primary use as a mixed A1/A3 use and at no time shall it represent more than 20% of sales in any 24 hour period.

Applicant's concern:

*A restriction of alcohol to 20% of sales is onerous, as alcohol is more expensive, per unit, than other items to be sold. The sale of alcohol is limited to 'ancillary' by the premises license. Any increase could be a material change of use to a mixed A1/A3/A4, requiring a new application.*

Officer Comment:

The restriction is considered necessary in order to define the permission, providing some clarity to the use of the term ancillary, and to ensure that the use remains as described in the application (i.e. as a coffee shop with ancillary sales of alcohol). The concern about the measurement of sales is noted however, and the condition is recommended to be amended accordingly.

The wording of the condition to be amended to read :

**The sale of alcohol shall at all times remain ancillary to the primary use as a mixed A1/A3 use and at no time shall it represent more than 20% of sales (by number of transactions) in any 24 hour period.**

#### Condition 5

At no time shall seating be placed in the forecourt area and this area shall not be occupied by customers other than when entering or leaving the premises property.

Applicant's concern:

*This would prevent customers from smoking outside the premises, on the forecourt, as is permitted at Yankees, next door.*

Officer Comment:

This is acknowledged, and the condition has been redrafted, to allow for customers to smoke, but to limit opportunities for gathering and associated noise disturbance.

The wording of the condition to be amended to read :

**At no time shall seating or tables be placed in the forecourt area nor goods bought on the premises be consumed on the forecourt.**

#### Condition 6

The equipment used for the preparation of hot food shall be limited to that stated in Paragraph 5.2 of the application Planning Statement.

Applicant concern:

*Additional cooking equipment to that referred to in the stated paragraph will be needed, and the condition should be amended to reflect that.*

Officer comment:

The restriction is necessary to prevent an increase in cooking activity that would require fume extraction equipment. Fume extraction equipment is unlikely to be considered acceptable at this property owing to the arrangement of adjacent flats (and windows) and likely visual impact. However, a wider range of acceptable equipment has been agreed.

The wording of the condition to be amended to read :

**The equipment used for the preparation of hot food shall be limited to the following:**

**Bread and small combi oven**

**Panini grill**

**Microwave**

**Toaster**

Condition 15

No activity by staff members including smoking breaks shall occur in the rear courtyard area between 20:00 hours and 0700 hours Monday to Saturday and between 20:00 hours and 0900 hours on Sundays and Public Holidays.

Applicant concern:

*The requirement to cease this activity at 2000 hours is restrictive, and in conflict with the 2100 hours imposed by the premises license.*

Officer comment:

The additional hour being sought is not considered to be so potentially detrimental to adjacent flat residents to warrant refusal of planning permission, and the applicant's concerns are therefore accepted, and the condition redrafted accordingly.

The wording of the condition to be amended to read :

**No activity by staff members including smoking breaks shall occur in the rear courtyard area between 21:00 hours and 0700 hours Monday to Saturday and between 21:00 hours and 0900 hours on Sundays and Public Holidays.**

Condition 17

No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development between 20:00 hours and 0700 hours Monday to Saturday and between 20:00 hours and 0900 hours on Sundays and Public Holidays.

Applicant concern:

*The requirement to cease this activity at 2000 hours is restrictive, and in conflict with the 2100 hours imposed by the premises license.*

Officer comment:

The additional hour being sought is not considered to be so potentially detrimental to adjacent flat residents to warrant refusal of planning permission, and the applicant's concerns are therefore accepted, and the condition redrafted accordingly.

The wording of the condition to be amended to read :

**No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building/s within the site of the development between 21:00 hours and 0700 hours Monday to Saturday and between 21:00 hours and 0900 hours on Sundays and Public Holidays.**

The reasons for the individual conditions will remain unchanged.

**3. Application Number 13/00837/FUL**

**Address SUFC Car Park, Cherry Street and Shoreham Street**

**Additional Conditions**

Condition:

The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
- b) Be capable of achieving the following noise levels:  
Bedrooms: LAeq 15 minutes – 30 dB (2300 to 0700 hours),  
Living Rooms: LAeq 15 minutes – 40 dB (0700 to 2300 hours),
- c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound attenuation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the amenities of the future occupiers of the building.

Condition:

The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

### **Updated Recommendation**

The applicant has now provided a unilateral undertaking to secure the required commuted sum in respect of provision for off-site recreation space. The recommendation is therefore amended to Grant Conditionally Legal Agreement.

**4. Application Number            13/02199/FUL**

**Address                                Ballast Phoenix, 2 Beeley Wood Lane**

### **Representations**

3 additional letters of objection have been received.

Bradfield Parish Council object on the grounds that it would appear that previous conditions have not been met

The other letters object on grounds already set out on the report. Residents feel there is little point in complaining as there is little action the Council can take, but this does not mean the problems do not exist. The writer was not informed of the application. Families with children live on Clay Wheels Lane. Passing lorries cause vibration. Do not want an increase in this traffic. Why is the recommendation to grant permission.

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