

SUPPLEMENTARY INFORMATION

APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS – SUPPLEMENTARY INFORMATION

1. **Application Number:** 23/01882/FUL

Address: Ecclesall Primary School, Sheffield, S11 7LG

Additional Representations

Olivia Blake MP has written identifying points raised by constituents

Summary of points raised

- Constituents have expressed concerns that the application does not adequately address concerns with regard to surface water run-off from the MUGA;
- Constituents have expressed concerns that the introduction of the MUGA will reduce green space and consequentially impact on biodiversity;
- Constituents have complained that the school undertook no consultation process with parents to gauge their views and opinions before the application was submitted.

Ecclesall Primary School MUGA Action Group have written following publication of the agenda report.

Summary of points raised:

- lack of consultation with local community by Applicant
- a lack of detail provided in respect of surface water drainage arrangements
- a lack of detail provided about boundary treatment and MUGA construction.
- a failure by the Case Officer to balance public benefit against harm and an over-reliance on the use of conditions.
- the Case Officer has accepted uncorroborated statements by the Applicant without question.
- the MUGA does not equate to usable space and most of the flat playing space in the grounds would be lost
- The need for the MUGA is questioned when alternatives exist involving retention of the grass playing field
- The proposed surface would not suit all types of outdoor sport/activity
- no feasibility study undertaken with regard to efficacy of drainage arrangements
- some trees on site missed in Officer report (T4 & T7)
- the major changes to the scheme (removal of running track) should have required the submission of a new planning application

- A variation of condition application could be employed in the future to enable community use that would have implications for highway safety and residential amenity
- there is a deliberate ruse to avoid Sport England compliance.

Officer Response

On the procedural matters, the removal of an aspect of proposals as originally submitted does not warrant the submission of a new application, and in the event of an application being submitted to vary the conditions listed then this would be publicised in accordance with statutory requirements and the Council's Code of Practice for the Publicity of Planning Applications.

Whilst the National Planning Policy Framework encourages pre-application engagement with both the Planning Authority and the community it does not require it.

The arboricultural report and the site layout plans use different referencing for the trees. It is not therefore clear which trees the action group are referring to. Officers are however satisfied that the potential impact on the trees has been thoroughly assessed and with compliance with tree protection measures, there will be no adverse impact on the longevity of the trees.

As confirmed in the main agenda report the area affected by the proposed MUGA is not a playing field as defined in the Town and Country Planning (Development Management) Procedure Order as it is not a delineated area (marked out) and is less than 0.2 hectares in area. As such Sport England are not a statutory consultee. Sport England confirmed that their playing field policy is not therefore engaged in this case.

The remaining matters are addressed in the main agenda report.

Amended Condition

Condition 10 is proposed to be amended to read:

Condition:

The use of the MUGA shall be restricted to school related activities (which shall include before and after school clubs, and school related sporting activities) between 0745 hours and 1800 hours on weekdays.

Reason:

In the interests of the amenity of neighbouring properties

Additional Condition

Condition

The approved landscape works shall be implemented prior to the MUGA being brought into use or within an alternative timescale to be first approved by the Local

Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason:

In the interests of the visual amenities of the locality.

Condition:

Before the development is commenced full details of the provision of level access to the MUGA shall have been submitted to and approved by the Local Planning Authority. Level access shall be provided in accordance with the approved details before the MUGA is brought into use and shall thereafter be retained

Reason:

To ensure ease of access for all users at all times.

Public Sector Equality Duty

Some representations state the development is not inclusive as MUGA's are recognised as excluding girls.

The Public Sector Equality Duty came in to force in April 2011 (s.149 of the Equality Act 2010) and public authorities are required, in carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In considering this planning application the Council as Planning Authority has had due regard to the provisions of the Act.

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 people with any protected characteristic to enjoy and benefit from the development 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, 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 and encourages persons with a protected characteristic to participate in public life or other activity in which participation by such persons is disproportionately low.

Officers have had due regard to such factors and advise that it can be concluded that the proposed development, with the conditions recommended allows equal

access for all users without any significant harmful implications for any particular group, including users with impairments and other protected characteristics.

2. **Application Number:** 23/02176/FUL

Address: Spartan Works, 534 Attercliffe Road, Sheffield, S9 3QP

Comments from Sheffield Conservation Advisory Group (SCAG)

SCAG discussed this application on two occasions but, regrettably, the case officer did not have sight of the meeting minutes and was not aware of the SCAG comments, so these were not included in the Committee Report. SCAG discussed the scheme as originally submitted during their meeting on 13 September 2023 and made the following comments:

The Group welcomed development on this mainly derelict site. It is generally supportive of the scheme but regretted that the Group had not been involved in the pre-application process which could have been helpful.

The Group also regretted that the Heritage Statement is virtually silent on the buildings that are to be demolished and the plan did not show the heritage assets around the site. The lack of detail made it difficult to assess the quality of the development and its impact on and relationship to surrounding heritage assets. It was noted that the Heritage Strategy missed some listed buildings such as the Sheffield Savings Bank at 570 Attercliffe Road and it was felt that the value of Spartan Works should be recognised and that it should be locally listed.

The Group's matters of major concern were:

- *the proposed development did not reflect the industrial character of Attercliffe*
- *tall buildings are proposed in the absence of a tall building strategy for the area*
- *the proposed building at the junction of Effingham Road and Attercliffe Road is a slab with no permeable openings and is monolithic and over-dominant*
- *the corn mill manager's house on Bridge Street should be retained*
- *corten should not be used as it is not distinctive to Sheffield*
- *there is a lack of infrastructure such as a school, surgery, dental practice*

The Group recommends that archaeological exploration should be a condition of any planning approval and that the Great War Memorial on Spartan Works should be preserved.

SCAG subsequently discussed the amended proposal at their meeting on 20 May 2024 and made the following comments:

The Group regrets the very short time allowed to review the documentation for the revised proposal. The removal of the characteristic period tiling from the front of the

former Sportsman pub is unnecessary and harmful to a Non-Designated Heritage Asset. The tiles should instead be cleaned in situ and restored as any attempt to remove them for cleaning could result in significant damage. The historic southern boundary of the former Pickford Holland site should be respected by new building walls and marked in the landscape design. The lack of any clear statement as to how the revised proposal differs from the previous makes it difficult to reach an informed judgment as to whether the loss of historic fabric has been justified.

Most of the points in SCAG's original comments have been addressed in the amended plans and/or in the Committee Report. The site is not located near to Bridge Street and South Yorkshire Archaeology Service are unaware of any references to a manager's house around the former corn mill on the site, so it is unclear what that comment relates to. Corten steel is proposed on the canal bridge only and is considered by the Local Planning Authority to be of an acceptable appearance. Issues of local infrastructure are addressed in the Committee Report. Archaeological investigation is secured through condition 5. The Great War Memorial is on Baltic Works, not Spartan Works, and lies outside the application site, so would be unaffected by the development.

The comments on the amended scheme raise similar issues to those submitted by Hallamshire Historic Buildings in relation to the tiles on the public house and the boundaries of the former Pickford Holland site. These concerns are fully addressed in the Committee Report at pages 152-153 of the reports pack.

Whilst it is appreciated that no clear comparison between the original and amended proposals has been provided, the amended Design & Access Statement published on 21 March 2024 sets out the design vision for the iteration of the scheme at that time (which encompasses the vast majority of amendments in the final version), and an amended Heritage Impact Assessment was published on 13 May 2024, setting out a justification for the loss of historic fabric. Together with the revised plans, it is considered that sufficient information has been provided to reach an informed planning decision on the amended scheme. The Committee Report clearly explains how aspects of the application have been amended since submission.

Report Correction

On page 166 in the reports pack, it is stated in the first paragraph of the 'Ecology and Landscaping' section of the report that the statutory biodiversity net gain condition "is applied to major developments only where the application was made before 12 February 2024". This is a mistake: the condition is applied to applications made **after** that date, not before. As this application was validated in 2023, the statutory condition does not apply, and biodiversity net gain is secured through the conditions recommended by the officer.

3. Application Number: 23/03815/OUT

Address: Land At Junction With Herries Road, Herries Road South And Penistone Road North, Sheffield, S6 1QE

Amended Recommendation

It is now advised that the officer recommendation is altered from 'Grant conditionally' to 'Grant conditionally with legal agreement'.

The reason for this is that condition 18 seeks the following:

'The foodstore hereby approved shall not be occupied until such time that arrangements shall have been entered into which enable the dedication of the land that is required to accommodate capacity improvements at the junction of Herries Road South with the A61 (together with cycling infrastructure improvements on Herries Road and Herries Road South) to the City Council from the land owner at no cost to the City Council, to occur if/when the highway improvement scheme is commenced. The relevant land on Herries Road and Herries Road South was identified on drawings 2794-THPW-XX-XX-DR-A-1001C Proposed Masterplan (Full and Outline Elements) – Illustrative Only and in the previously approved scheme (21/00234/FUL) in drawing number SCP/18445/F15 Rev F.

Reason: In the interests of the future development of the area.'

The case of DB Symmetry Ltd v Swindon Borough Council informs us that the Council cannot attach a condition to a permission which requires the dedication of highway. However, we can achieve it through a Section 106 agreement whereby the dedication is an obligation for the landowner. A Section 106 obligates the landowner to do what condition 18 is anticipated to do i.e. enter into an agreement with the Council which enables the carrying out of the highway improvement scheme, said agreement being pursuant to sections 72 and 278 of the Highways Act 1980 and which also includes provision for the dedication of the requisite land as highway by the landowner.

Aldi have been informed of this matter and are content to enter into a S106. Therefore Officers recommendation will consequently change from 'Grant Conditionally' to 'Grant Subject to Legal Agreement'.

A condition which requires the carrying out of highway works (intent on the dedication of land) is not unlawful so long as that dedication is not referenced within the condition and can be secured through a Section 106 agreement, so an amendment to condition 18 will required. The wording of the condition is recommended to be as follows:

'The foodstore hereby approved shall not be occupied until such time that arrangements shall have been entered into which secure the carrying out of a highway improvement scheme to provide capacity improvements at the junction of Herries Road South with the A61, together with cycling infrastructure improvements on Herries Road and Herries Road South. The highway improvement scheme is intended to include the construction by the Council of highway on Herries Road and Herries Road South as identified on drawing 2794-THPW-00-XX-DR-A 805 'S106 Plan'.'

Correction in Officer Report:

The report has included comments from Councillor Chinchon, however it is understood that Mr Chinchon is no longer an elected member.

Representation from the applicant (ALDI)

A recent representation has been provided to Councillors from the applicant. The representation references sections of the Officer Report and provides responses. Most matters are already discussed within the Officer Report. The representation does however list other benefits the applicant considers the scheme will deliver.

Clarification regarding Road Safety Audit

The committee report refers to a Road Safety Audit (RSA1) having taken place. Highways have however now confirmed that a Road Safety Audit (RSA1) has not been received and we are unable to say if it has been completed.

However, SCC Highway Scheme Design Team have confirmed they are supportive of the preliminary design for the site access layout from the A61 Penistone Road, as have Active Travel England.

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