
Case Number	18/01813/FUL (Formerly PP-06964803)
Application Type	Full Planning Application
Proposal	Use of ground floor retail unit (Use Class A1) as a bar (Use Class A4) including alterations to shop front
Location	Brodie UK 185 Middlewood Road Sheffield S6 4HD
Date Received	10/05/2018
Team	West and North
Applicant/Agent	Stacy Reed
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

Location plan - received 10.05.2018

Plans and elevations 1030-102 - received 24.05.2018

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. Before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building and within the curtilage of the site, shall have been submitted to and approved in

writing by the Local Planning Authority and the A4 use shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

Reason: To ensure ease of access and facilities for disabled persons at all times.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

4. Before the commercial use hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
 - a) Be based on the findings of an approved noise impact assessment by a suitably qualified acoustic professional.
 - b) Be capable of restricting noise breakout from the commercial use to all adjoining residential accommodation to levels complying with the following:
 - (i) Bedrooms: LAeq (15 minute) 30dB (2300 to 0700 hours);
 - (ii) Living Rooms & Bedrooms: LAeq (1 hour) 35dB (0700 to 2300 hours);
 - (iii) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Before such scheme of 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 locality and of the residential occupiers of the building.

Other Compliance Conditions

5. No customer shall be permitted to be on the premises outside the following times: 11:00 hours to 22:00 hours on Sundays to Thursdays and 11:00 hours to 23:00 on Fridays and Saturdays.

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

6. The bi-fold windows hereby approved shall not be opened outside the hours of 10:00 and 21:00 on any day.

Reason: In the interest of the occupiers of adjoining properties.

7. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data,

have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

8. Commercial deliveries to and collections from the building shall be carried out only between the hours of 07:00 to 23:00 on Mondays to Saturdays and between the hours of 09:00 to 23:00 on Sundays and Public Holidays.

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

9. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 07:00 to 22:00 Mondays to Thursdays, 07:00 and 23:00 Fridays and Saturdays and 09:00 to 22:00 Sundays.

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

10. No amplified sound or live music shall be played within the commercial use hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

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

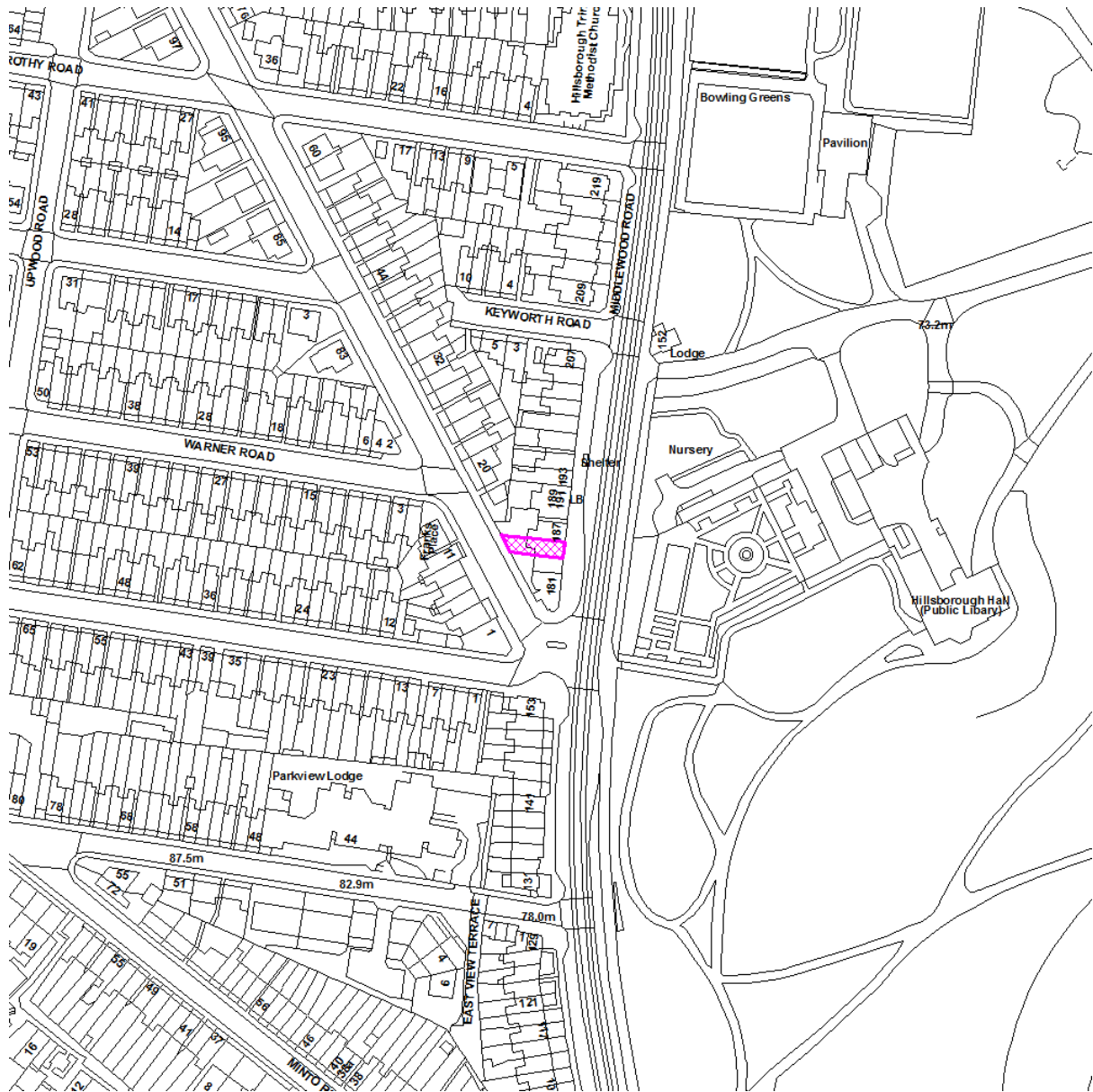
11. The rear yard shall at no time be accessible to customers.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The site is located in Middlewood Road, Hillsborough Park Local Shopping Centre. The immediate area is comprised of primarily retail units with residential accommodation above. Directly opposite is Hillsborough Park and a short walk away is Hillsborough District Centre. Also in close proximity to the site on Leppings Lane is Sheffield Wednesday Football Stadium.

The traditional stone faced terrace forms a parade of shops including specialist retailers and salons.

The applicant proposes to change the use of the existing A1 retail unit to an A4 Micro Pub. The single unit equates to approximately 25 square metres. It is proposed that the intimate premises will primarily sell bottled beers and will not play music. The proposed opening hours are 3pm to 10pm Sunday through to Thursday and; 11am to 11pm Friday and Saturday.

Minor alterations to the shop front are proposed including the provision of bi-fold windows which will open up a large proportion of the frontage.

RELEVANT PLANNING HISTORY

Earlier in the year the applicant sought pre-application advice from the Local Planning Authority (18/00620/PREAPP) with regards to the proposed change of use from A1 to A4 Micro Pub.

SUMMARY OF REPRESENTATIONS

Notification letters have been sent to immediate neighbours and a site notice has been displayed adjacent to the site for a period of 21 days.

39 letters of representations have been received in total, 23 in support, 15 in objection and 1 neutral comment.

A summary of the comments in objection is below:

- Outside tables and open frontage will lead to noise disturbance
- Smoking outside the premises is a health concern for immediate neighbours
- Concerns with regards to Sheffield Wednesday match days and events in Hillsborough Park which could intensify the use of the Micro pub and lead to disturbance
- Noise pollution and anti-social behaviour
- Impacts on immediate neighbours privacy
- The use is better suited to central Hillsborough
- The rear yard included in the red line boundary is shared amenity space and access to the flats above
- The proposed use does not complement the existing shops on the street
- Customers will spill out in to the street and could be intimidating
- The area is primarily residential
- There are a number of existing pubs a short walk away so it is not needed

- The use is not in keeping with the character of the area
- Pressures on on-street parking
- Risk of damage to local properties and littering
- The use could set a precedent for Hot Food Takeaways to open in the future which could impact on the retail value of the area
- The land deeds for the row of shops stipulate that the sale of food and drink is not permitted
- The proposed hours of operation in the license application are not the same as proposed in the planning application.

A summary of the comments in support is below:

- A great addition to the community
- Investment in the area should be encouraged
- The proposed opening hours are responsible
- The small, intimate venue does not suggest noise disruption
- The use would attract footfall to the area and increase trade
- Independent businesses should be supported
- Established background noise in the area therefore the proposal would not lead to disturbance
- Creation of local jobs
- The use will complement events in Hillsborough Park
- The proposal will bring a vacant unit back into use

Neutral comments:

- Noise and smoke pollution should be controlled
- The rear yard is unsuitable for use as a beer garden
- The licensing application and planning application propose different opening hours and have different applicant details.

PLANNING ASSESSMENT

Principle of the use

The property is located within a Local Shopping Centre as defined within the Unitary Development Plan (UDP). The unit is currently classified as a retail unit (A1 use). UDP Policy S7 relating to development in District and Local Shopping Centres states that shops are the preferred use. The policy also lists Food and Drink Outlets as acceptable uses in shopping areas providing that the shopping role of the area is not undermined.

The policy accepts that some of the developments allowed may result in living conditions in or near the Shopping Centre not being as good as elsewhere in Housing Areas. But it is still important to ensure that they are satisfactory for people living there. All new development must also comply with UDP Policy S10 relating to conditions on development in Shopping Areas.

Policy S10 – Conditions on Development in Shopping Areas sets out that within such areas new development or change of use will be permitted provided it would:

- a. Not lead to a concentration of uses which would prejudice the dominance of preferred uses within the area;
- b. Not cause residents to suffer unacceptable living conditions;
- c. Be well designed and of a scale and nature appropriate to the site;
- d. Be adequately served by transport facilities and provide safe access to the highway network.

UDP Policy S10a states that a change of use may be permitted providing that it would not lead to a concentration of uses which would prejudice the dominance of A1 uses in the shopping centre. The LPA defines a dominance of A1 uses as at least 50%. Business rates data from February 2017 indicates that A1 units made up 92% of the Local Shopping Centre (Middlewood Road, Hillsborough Park) with 11 of the 12 occupied units in total, being in A1 use. The proposed change of use would result in the loss of one A1 unit and a reduction in A1 units to 83%. It can therefore be considered that the proposed use would not jeopardise the dominance of A1 units in the Local Shopping Centre. Further to this it is considered that the proposed use would complement the character of the local shopping centre which is adjacent to a well utilised public park.

In light of the above it is considered that the proposed change of use is acceptable in principle in this location. However this is subject to the other conditions set out in UDP Policy S10 relating to residential amenity, design, sustainability and highway safety.

Alterations to shop front

UDP Policy BE5 states that good design and the use of good quality materials will be expected in all developments.

Alterations to the shop front include modernisation of the traditional frontage. It is considered that the large bi-fold windows are a complementary, contemporary feature which retains the character of a traditional shop front. The design and quality of the proposed alterations are considered to accord with UDP Policies BE5 and S10c. It is considered that the proposed active frontage will be beneficial to the vitality and character of the local shopping centre.

Residential amenity

Noise and disturbance

The nearest residential properties to the application site are the flat above the unit itself and other adjacent commercial properties and flats on this part of Middlewood Road. There are also dwellinghouses and commercial units to the rear on Dixon Road. Any likely impact upon residential amenities will therefore be measured primarily against these properties.

Middlewood Road is a key gateway route into the city centre and forms part of the Supertram route. As well as being within a local shopping centre; the site is in close proximity to Hillsborough Centre, Hillsborough Park and Sheffield Wednesday Football Stadium therefore experiences a considerable amount of ambient noise.

In the context of this location and established background noise, it is expected that residents fronting this road may not benefit from the same level of amenity that might be afforded in a solely residential area.

It is not considered that the use will impact on residents to the rear of the premises as the only access proposed is to the front of the unit. Activity from the coming and going of customers will be limited to Middlewood Road. It is not proposed that any part of the rear yard will be utilised as a "beer garden". As the yard is used to access the flats above it is considered that a condition is necessary to prevent any customer use in the future.

The applicant proposes to operate between the hours of 15:00 and 22:00 Sunday to Thursday and 11:00 and 23:00 Friday and Saturday. These opening hours are considered to be appropriate in this location. The applicant also states that no amplified music will be played on site. Given the very limited floor space it is not considered that the level of use during these hours will lead to significant disturbance of neighbours. No outside tables are proposed however it is considered necessary to condition the opening of the bi-fold windows up to 9pm only in order to prevent noise disturbance late in the evening.

Notwithstanding the above, since the intention is to create an A4 use immediately below an existing flat that will be rented independently of the unit it is also considered necessary to attach a condition requiring sound attenuation at ceiling/floor level between the uses.

Restrictions are also required on the times of deliveries, movement and sorting of waste. Given that the majority of drinks to be sold on site will be bottled beers; it is considered necessary to prevent the disposal of bottles into outside bins during unsociable hours.

Privacy

Being at ground floor level and directly facing Hillsborough Park it is not considered that the bi-fold windows will lead to any serious reductions in privacy levels. The coming and going of customers will be limited to Middlewood Road where residential accommodation is above ground floor commercial units therefore it is not considered that this activity around the site will lead to overlooking of neighbouring dwellings. The rear yard is not to be accessible to customers therefore it is not considered that the use will adversely affect the privacy of this shared residential amenity space.

Overall the proposal, subject to conditions, is considered acceptable in the light of Policy S10 (b).

Accessibility

UDP policy BE7 states that access to existing buildings and their surroundings should be improved as opportunities arise to enable all users to move around with equal ease. A change of use such as this is regarded as an opportunity.

An internal ramp is indicated on plan to provide inclusive access to the site. Given the very limited internal floor space it is considered that the requirement of an accessible bathroom facility and bar area within this change of use would not be reasonable grounds for refusal. Particularly given a commercial use is established on the site.

Full details of a suitable inclusive access as well as facilities for disabled people within the curtilage of the site should be provided prior to commencement of the development. This will be attached as a condition to any approval of the development.

Highway safety

The site does not have any facilities for dedicated off-street parking for customers. There is limited on-street parking on surrounding streets. Given the limited scale of the use, and the likelihood that clientele will largely arrive on foot, it is not expected that the use would lead to a significant intensification of on-street parking which would justify a reason for refusal. Furthermore the site is sustainably located on the Supertram route, a regular bus route and close to Hillsborough Centre. It is therefore not considered that the proposed change of use will adversely affect highway safety.

The proposal is therefore considered to accord with UDP Policy S10d.

RESPONSE TO REPRESENTATIONS

Matters relating to retail dominance, character, noise and disturbance, accessibility and highway safety have been addressed in the main body of the report.

Matters such as controlling specific anti-social behavior are not material planning considerations.

It is not considered that the proposed use will lead to significant littering. The applicant has however indicated that they will provide a cigarette bin outside the premises to prevent inappropriate disposal of waste.

The Local Planning Authority cannot require an Applicant to seek an alternative location for the proposal. The LPA also cannot resist the application on the basis that there are alternative A4 uses within walking distance.

The Local Planning Authority is not able to control customers smoking outside commercial premises. This is not a material planning consideration.

Concerns that the use could set a precedent for Hot Food Takeaways to open in the future do not warrant a refusal of the application.

Issues relating to land ownership and deed stipulations are not material to the planning process.

It is not a requirement that the proposed hours of operation on the license application and the planning application are the same. In the situation where different operating hours are approved; the most restricted operational hours should be adhered to.

SUMMARY AND RECOMMENDATION

The proposal is a change of use of a vacant A1 retail unit into an A4 use with associated alterations to the shop front. It is considered that, subject to conditions, the introduction of this use would not give rise to disamenity to nearby residents in terms of noise and disturbance and the proposal would not adversely affect the vitality and viability of the Local Shopping Area. It is also not considered that the proposed change of use would adversely affect highway safety. In light of the above the proposed development is considered to accord with UDP Policies S7 and S10 relating to development in shopping areas.

The applicant has included improvements to the accessibility of the site as part of the proposal. Although the scale of the site limits the scope of alterations it is considered that as far as reasonably possible the application accords with UDP Policy BE7.

It is therefore recommended that planning permission be granted subject to conditions.