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Case Number	19/00161/FUL (Formerly PP-07554479)
Application Type	Full Planning Application
Proposal	Use of retail unit (Use Class A1) as a micro-pub (Use Class A4)
Location	Purdy's Kitchens 103 Furnace Lane Sheffield S13 9XD
Date Received	17/01/2019
Team	City Centre and East
Applicant/Agent	Mr Alex Purdy
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:

Site Location Plan received 13.02.19  
Floor plan received 15.02.19  
Noise Management Plan 1323616\_28\_03\_19

Reason: In order to define the permission.

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

3. The unit shall not be brought into use unless and until the Local Planning Authority has been advised in writing of the first opening date of the micro pub. The use of the micro pub shall thereafter cease 12 months after the first opening date unless prior approval is first obtained from the Local Planning Authority.

Reason: In order that the use of the building can be monitored in the interests of the amenities of the locality and occupiers of adjoining property.

**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 survey of the application site, including an approved method statement for the noise survey;
  - b) Be capable of restricting noise breakout from the commercial use to the street to levels not exceeding the prevailing ambient noise level when measured:
    - (i) as a 15 minute LAeq, and;
    - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
  - c) Be capable of restricting noise breakout from the commercial use to all adjoining residential accommodation to levels complying with the following:
    - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
    - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
    - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
    - (iv) 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.

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

Reason: In the interests of the amenities of the locality and of the residential occupiers of the building it is essential for these works to have been carried out before the use commences.

5. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
- a) Be carried out in accordance with an approved method statement.
  - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

6. Before the commercial use hereby permitted commences, 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 building 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.

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. Before the commercial use commences full details of the layout of the forecourt area, including boundary treatment thereof shall be submitted to and approved in writing by the Local planning Authority. The approved details shall be implemented before the use commences.

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

9. Before the development is brought into use full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with the National Planning Policy Framework.

10. No amplified sound or live music shall be played within the commercial use(s) 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: In the interests of the amenities of the locality and occupiers of adjoining property.

#### **Other Compliance Conditions**

11. The premises will operate in compliance with the submitted approved Noise Management Plan (NMP). The NMP will not be altered without the prior written consent of the Local Planning Authority.

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

12. Commercial deliveries to and collections from the building shall be carried out only between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1400 hours on Saturdays, with no servicing on Sundays or Bank Holidays.

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

13. No customer shall be permitted to be on the premises outside the following times:

Monday to Thursday 16:00 - 21:00hrs;

Friday 15:00 - 22:00hrs;

Saturday 12:00 - 22:00hrs;

Sunday 12:00 - 21:00hrs.

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

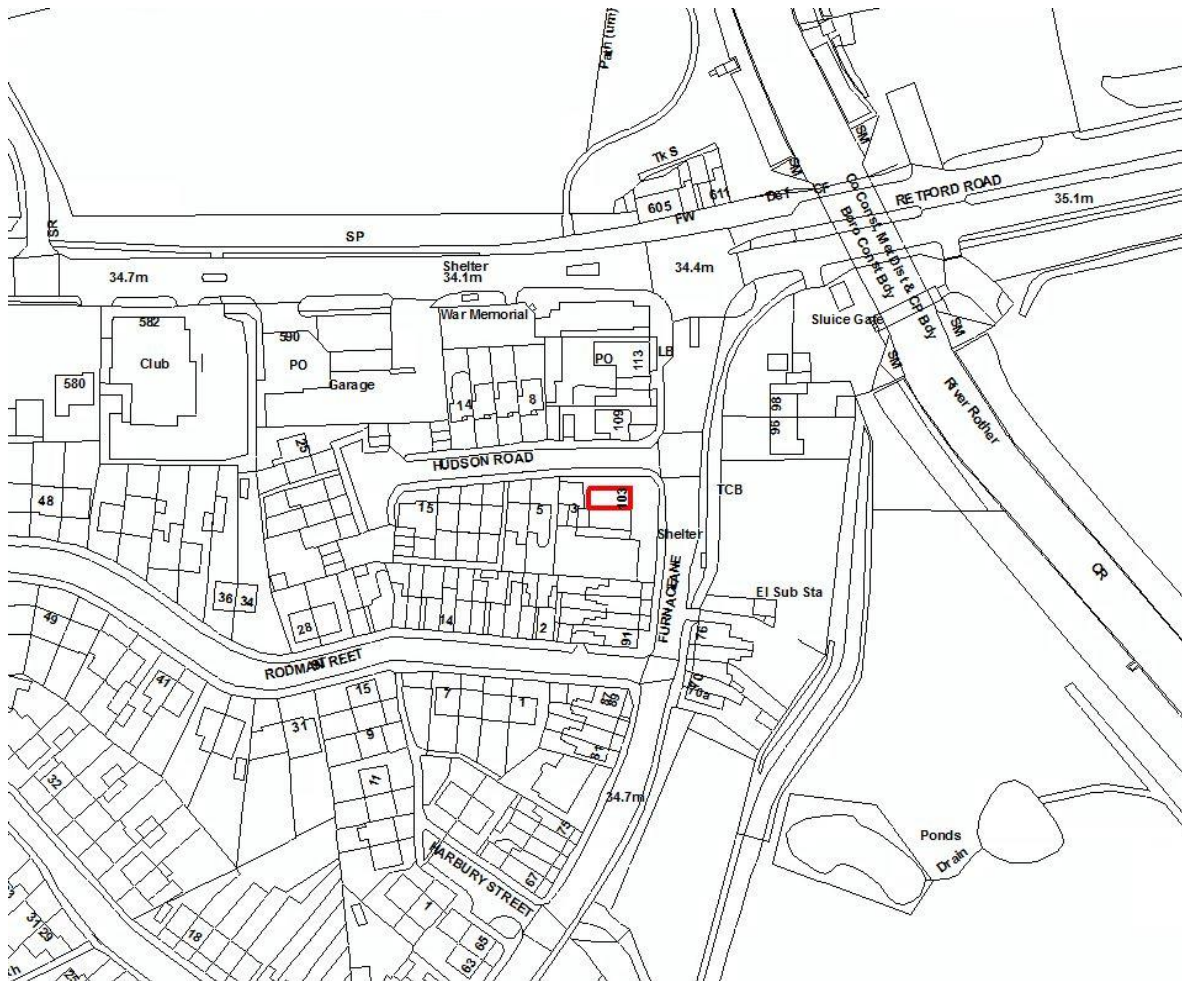
14. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between 0900 hours and 1800 hours.

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.
2. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
3. You may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 2734264 or by email at [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk).

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a vacant retail shop located on the corner of Furnace Lane and Hudson Road within the Woodhouse Mill area of Sheffield, close to the junction with Retford Road. The vacant unit which is located within a semi-detached building is one of three neighbouring retail properties on this road frontage, the other two being in use as a hairdressers and DIY store. The upper floors of the semi-detached building are in residential use and the existing open yard to the rear is used by the neighbouring DIY store for the storage of bagged building materials.

In the wider area to the north on Retford Road there is a petrol station with a retail store, a used car sales plot and a building in use for yoga and pilates. The Princess Royal Public House is located approx. 400m to the north-east along Retford Road. The remainder of the surrounding area is residential in nature.

The application is seeking permission to use the ground floor of the building as a micro pub which would be open from 4pm to 9pm Mondays to Thursdays, 3pm to 10pm on Fridays, Noon to 10pm on Saturdays and Noon to 9pm on Sundays. The building has a small internal area which will limit the numbers of customers. No external alterations to the building are proposed. The upstairs flat, although owned by the applicant is in independent use and will not be used in connection with the micro pub.

The applicant in his submission indicates that micro pubs strive for a welcoming, low key atmosphere, where patrons can come and have a quiet beverage and a chat.

## RELEVANT PLANNING HISTORY

9A/0595P Use of ground floor of premises as a fish and chip shop. Application refused in January 2001 due to the noise and general disturbance which would be generated by the use.

## SUMMARY OF REPRESENTATIONS

Seven letters of concern have been received from local residents, raising the following issues:

- Concerns that the proposal would generate excessive noise and create disturbance to local residents, including residents of the first floor flat, especially when customers are leaving the premises late at night. Comment is made that although the Noise Management Plan does indicate that customers will be asked to be considerate to neighbours on leaving, this cannot be effectively controlled.
- There are existing parking problems in the area with concerns that the use will aggravate the situation causing problems for local residents.
- Comment is made that the siting of the drinking establishment close to a bus stop which serves local schools and also close to many children's homes is not appropriate.

- Comment is also made that there has been a serious crime at the premises recently which is concerning for local residents as alcohol consumption increases the chance of anti-social behaviour resulting in more stress and anxiety for local residents.

## PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that sustainable development occurs and the local policies cited in this report are all considered to be in accordance with the relevant paragraphs of the NPPF.

### Land Use

The application site lies within a Housing Policy Area as defined by the Unitary Development Plan. UDP Policy H10 identifies the preferred use in this policy area as housing although food and drink uses are listed as acceptable.

Policy H14 (i) states that non-housing uses will be permitted in housing areas where they occupy only a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the area. Given that the ground floor of the building does not have an existing residential use the proposal will have no greater impact on the residential character of the surrounding area than currently exists.

Policy H14 (l) states that non housing uses should be on a scale consistent with the residential character of the Area or meet primarily local needs. This is reinforced by the NPPF which seeks to ensure that planning decisions help to provide the social, recreational and cultural facilities and services that communities need and identifies community facilities such as public houses as uses which can enhance the sustainability of communities and residential environments.

Woodhouse Mill is located over 1.4km from the closest retail centre at Woodhouse and has limited local facilities. The use of the building as a micro pub will provide a welcome community facility within the locality.

In view of the above it is considered that the use of the ground floor of the building as a Class A4 micro pub is acceptable in principle subject to other policy requirements.

### Amenity Issues

UDP Policy H14 (k) states that non-housing uses will be permitted in housing areas provided they would not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

The immediate area surrounding the application property, apart from the two adjoining retail premises, is residential in nature and has low background noise in the evening and late at night. The use of the property as a micro pub raises concerns that there will be noise breakout and structure-borne noise from the ground floor use

which could impact on the first floor residential use. In addition, the use which will potentially involve people leaving the premises late into the evening and potentially gathering outside (for smoking), may be detrimental to the quiet residential amenity of residents in the wider area.

In order to reduce the potential for disturbance and to comply with the advice of the Environmental Health Officer the applicant has agreed to reduce the intended opening hours from those originally applied for (11pm Mon – Friday and 11.30pm Sat and Sun) to ensure that customers have left the building by 9pm Sunday to Thursday and 10pm on Friday and Saturday. In addition it has been agreed that appropriate sound attenuation will be installed to prevent noise breakout impacting on the external areas and structure borne noise impacting on the first floor residential unit.

The applicant has indicated that the external area to the front of the building will not be used as an external drinking area but will solely have provision for smokers.

The applicant has produced a Noise Management Plan which clearly outlines his policy for dealing with any noise issues which may arise in connection with the use. The Environmental Health Officer recommends that approval is initially granted for a twelve month period so that the use can be monitored and that conditions are added to ensure that associated deliveries and sorting of waste are not carried out after 6pm.

The applicant has confirmed that no hot food will be prepared on the premises and as such there is no requirement for any external fume extraction system to be installed.

Suitable space will be provided internally to store bins.

With the above safeguards in place and bearing in mind the limited size of the building and consequently numbers of customers, it is considered that the proposal will not unduly impact on the amenities of local residents to an extent that would warrant refusal of the application.

## Highways

UDP Policy H14 (d) requires development to be provide safe access to the highway network and appropriate off road parking and to not endanger pedestrians.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. It requires that safe and suitable access to a site can be achieved for all people, and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of developments are severe.

There are currently no parking restrictions along Furnace Lane. The existing forecourt to the building is used as an off road parking area in connection with the adjoining commercial properties whilst they are open during the daytime.



The micro pub is intended to serve local people. Given the nature of the proposal it is considered that most customers will walk from the adjoining residential areas. The micro-pub will largely be open when the adjacent retail units are closed and its limited size will restrict the numbers of potential customers at any time (maximum 25 customers and two staff). A condition requiring the provision of a couple of cycle stands within the front forecourt will be added to any subsequent approval to further encourage sustainable modes of transport in line with NPPF requirements.

In this respect the proposal is considered acceptable from a highways point of view

#### Access Issues

UDP Policy BE7 states that 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 that access to existing buildings should be improved as opportunities arise to enable all users to move around with equal ease.

The retail unit does not currently have level access. It is recommended that an external ramp be provided within the forecourt area to improve access for all users. As no changes are being made to the shop front as part of this application it would be unreasonable to require significant alterations to the existing access arrangements over and above the provision of a ramp. Internally the applicant is intending to provide toilet facilities. Full details of access arrangements and facilities will be conditioned for subsequent approval.

#### Response to Representations

The applicant is aware of the concerns raised by local residents and has reduced the intended opening hours to a reasonable level which will reduce the potential for late night noise throughout the week. Conditions will be imposed requiring sound attenuation measures to be installed to prevent noise breakout to the street and upper floor residential accommodation. In addition deliveries and servicing will not be permitted to take place after 6pm. The use will be monitored for a 12 month period to ensure it is not creating a nuisance to local residents.

The micro pub is intended to serve local people and given the nature of the proposal it is expected that the majority of users will walk to the building. This together with the limited capacity will reduce the potential for any impact on the existing parking within the area. The impact on the highway network can also be reviewed after the recommended 12 month temporary period.

Whilst the concerns in respect of visibility to children are understood it would be unreasonable to resist the proposal for this reason. There are many public houses throughout Sheffield located close to schools and residential properties and no adverse link has been established.

Anti-social behaviour is a matter for the police. In addition to planning approval the applicant will have to have the appropriate premises licence in place to carry out the business.

## Pre-Commencement Conditions

In accordance with Section 100ZA of the Town and Country Planning Act 1990 the council has received the written agreement of the applicant that the proposed pre-commencement conditions are acceptable

## SUMMARY AND RECOMMENDATION

The application which seeks approval to use a vacant retail unit as a micro pub is considered to be acceptable in policy terms. It is considered that, with appropriate controls, the proposed use will not lead to unacceptable amenity impacts for occupiers of nearby residential property and due to its nature and limited scale does not raise any highway safety concerns. In order to monitor the impact of the change of use it is proposed that the use be granted for a temporary period of 12 months from opening, subject to the listed conditions.