
Case Number	19/01110/FUL (Formerly PP-07738008)
Application Type	Full Planning Application
Proposal	Application to allow an extension to the hours of operation (as amended) of the premises (Application under Section 73 to vary condition No. 2 (restricting opening hours) as imposed by planning permission 15/04056/FUL)
Location	SOYO 117 Rockingham Street Sheffield S1 4EB
Date Received	27/03/2019
Team	City Centre and East
Applicant/Agent	Cero Architecture
Recommendation	Grant Conditionally

Time limit for Commencement of Development

Approved/Refused Plan(s)

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

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

1. 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 have first been submitted to and approved by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority.

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

Other Compliance Conditions

2. The restaurant/bar shall only operate in accordance with the following restrictions:

1. Between 0800 and 0130 hours (on the following day) on Sundays to Tuesdays
2. Between 0800 and 0230 hours (on the following day) on Wednesdays
3. Between 0800 and 0300 hours (on the following day) on Thursdays
4. Between 0800 and 0400 hours (on the following day) on Fridays, Saturdays and Sundays immediately before Bank Holiday Mondays)

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

3. No deliveries to the building shall be carried out between 2300 and 0830 hours (on the following day) Mondays to Saturdays and between 2300 hours and 0930 hours (on the following day) Sundays and Public Holidays.

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

4. Existing windows and doors shall be retained and repaired unless otherwise agreed in writing by the Local Planning Authority.

In order to protect the original fabric of the building and the character and appearance of the Conservation Area.

5. Amplified sound or live music shall only be played within the building in such a way that noise breakout to the street does not exceed:

- i) background noise levels by more than 3dB(A) when measured as a 15 minute LAeq,
- ii) any octave band centre frequency by more than 3dB when measured as a 15 minute Leq, when measured at the façade of the building.

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

6. There shall at no time be any outside seating area/beer garden, or similar associated with the bar/restaurant use.

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

7. 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 within the site of the development between 2300 hours and 0830 hours (on the

following day) Mondays to Saturdays and between 2300 hours and 0930 hours (on the following day) on Sundays and Public Holidays.

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

Attention is Drawn to the Following Directives:

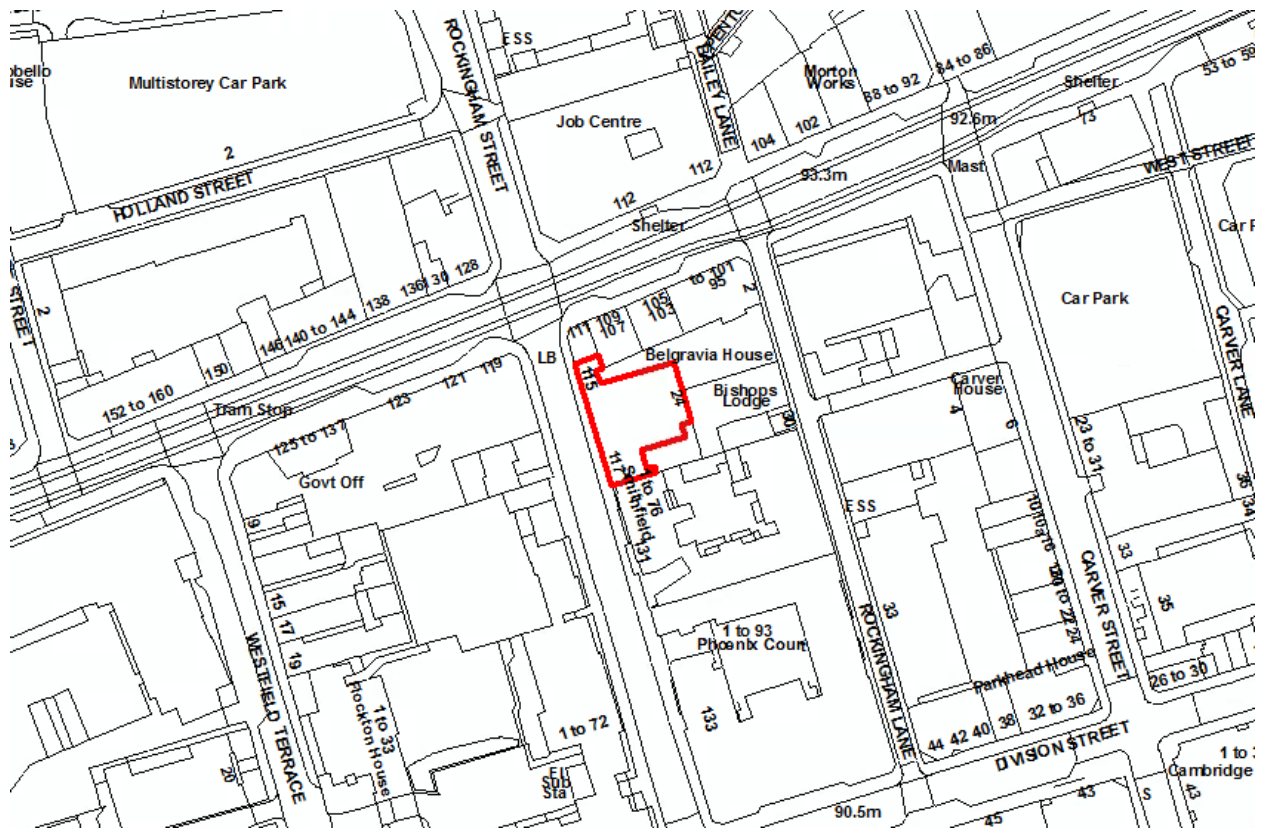
1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

2. For the avoidance of doubt in line with National Planning Practice Guidance:

The wording of Condition 2 'opening hours' has been altered to reflect the new proposed hours

All the remaining conditions are as approved under application 15/04056/FUL

Site Location



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PROPOSAL

Planning permission was granted for the use of 117 Rockingham Street as a restaurant and bar (Use Class A3 and A4) through application 07/04931/FUL. This original application approved opening hours which have since been the subject of a number of applications which have sought to vary the hours. The most recent successful variation application 15/04056/FUL approved the following hours:

1. Between 0800 and 0130 hours (on the following day) on Sundays to Tuesdays
2. Between 0800 and 0230 hours (on the following day) on Wednesdays and Thursdays
3. Between 0800 and 0300 hours (on the following day) on Fridays, Saturdays and Sundays immediately before Public Holiday Mondays

The current application originally sought permission to allow the venue to operate between 0800 and 0400 hours (the following day) on all days of the week. However, following discussion and negotiation throughout the application process, it is now proposed to open between 0800 and 0300 hours (the following day) on Thursdays and between 0800 and 0400 hours (the following day) on Fridays, Saturdays and Sundays immediately before Bank Holidays.

LOCATION

The application building, which fronts Rockingham Street, was historically a church hall and forms one of a group of buildings of high architectural merit located on the southern side of West Street, between Rockingham Street and Rockingham Lane.

The part of Rockingham Street that relates to this application is sandwiched between West Street to the north (13 metres) and Division Street to the south, these are both vibrant areas of the City Centre and play a key part in the city's evening economy.

This section of Rockingham Street comprises predominantly residential and office accommodation with commercial units at the end of the block fronting Division Street and West Street. Residential living accommodation is located immediately adjacent to the south of the site at Smithfields apartments and further residential units are located on the opposite side of the road to the southwest in Flockton Court.

The site is located within a Housing Area as designated in the adopted Sheffield Unitary Development Plan (UDP) and is also within the City Centre Housing Priority Zone and the City Centre Conservation Area.

RELEVANT PLANNING HISTORY

Permission was refused under planning reference 09/02424/FUL at the then City Centre South and East Planning & Highway Committee on 24 November 2009 to permanently extend the opening hours to between 0800 hours and 0130 hours on Sunday to Wednesday and between 0800 hours and 0230 hours on Thursday to Saturday and Sundays immediately before Bank Holiday Mondays.

Permission was refused under planning reference 10/00157/FUL at the then City Centre South and East Planning & Highway Committee on 9 March 2010 to extend the opening hours until 01:30 hours on Thursdays, Fridays, Saturdays and Sundays before Bank Holidays for a period of two years. The applicant appealed against this decision and The Planning Inspectorate agreed with the Council on the restriction of the hours of use (discussed in more detail in the Planning Assessment below).

An application was submitted under planning reference 10/00808/FUL to extend the hours until 0200 hours on Fridays, Saturdays and Sundays prior to Bank Holidays for a temporary 12 month period on 11 March 2010 and withdrawn on 25 March 2010.

Permission was refused under planning reference 10/02123/FUL at the then City Centre South and East Planning & Highway Committee on 24 August 2010 in order to operate until 02:00 hours Fridays, Saturdays and Sundays before Bank Holidays on a permanent basis. This application was refused for the same reasons as 10/00157/FUL discussed above.

The above applications were refused as it was considered that the extension of hours would result in further noise and disturbance to surrounding residential uses, which would detract from the aim of successfully balancing city centre living with a vibrant night time economy, given the particular location of the premises.

Permission was approved under planning reference 11/03601/FUL at the then City Centre South and East Planning & Highway Committee for the following opening hours:

1. Between 0800 and 0130 hours (on the following day) on Sundays to Wednesdays.
2. Between 0800 and 0230 hours (on the following day) on Thursdays, Fridays, Saturdays and Sundays immediately before Public Holiday Mondays.
3. The use of Temporary Event Notices.

The most recent application 15/04056/FUL approved the current opening hours, detailed in the introductory paragraph.

SUMMARY OF REPRESENTATIONS

Ten letters of representation have been received from neighbouring residents. The points raised are detailed below:

- Anti- social behaviour along and in the vicinity of Rockingham Street by 'drunken revellers' should no longer be encouraged in Sheffield City Centre
- Residents on Rockingham Street have to endure unacceptable behaviour from patrons leaving SOYO in the early hours of the morning
- Extension of hours will result in more noise and possibly more violence
- Residents woken most mornings at 3 or 4 am by vulgar and abusive language, customers leaving the bar and police/ambulance sirens
- The current opening hours do not appear to be adhered to or policed
- Extending the hours until 4 am and in association with the taxi rank will result in excessive noise continuing until 6 or 7 am
- Application should be rejected

- There has been operational hours creep here since the business opened and no attempt to work with adjacent residents to manage impacts
- Local residents face longer opening hours, additional cleaning to the frontage and car park access of the building at own cost
- Rockingham Street is primarily a residential street with a broad mix of property types, tenures and demographics. This mix brings life and economic benefit to Sheffield City Centre and a further enhancement of SOYO's opening hours will reduce the attractiveness of the City Centre as a place to live
- Proposal will have a detrimental impact on owners, tenants and other local businesses
- Proposal is for financial gain only but will have a negative impact on quality of life of local residents
- Since extended opening hours were allowed in 2015 the quality of living in residential apartments at Smithfield's has significantly deteriorated
- Something should be done to mitigate the issues and improve them, not the other way round
- Proposal is contrary to Sheffield City Plan 'This is Sheffield: our City Plan 2018 - 2028' which sets objectives for a safe city centre where walking and cycling is the first choice and a densely occupied city centre where people can live and enjoy a healthy and sustainable lifestyle
- The proposal is contrary to the aforementioned objectives of the City Plan.

Yorkshire Housing has also objected for the following reasons:

- Yorkshire Housing own and manage the residential building Flockton Court, which has approximately 40 residents
- Comments and complaints are regularly received from residents in relation to noise coming from people using SOYO
- Complaints include people urinating in entrance to the building and car park areas
- Some residents have moved out as a result of increase in noise since SOYO opened in 2009
- The increase in hours will enhance the upset and distress already caused by the nightclub to residents
- Acknowledge local business want to expand and improve, however this should not be at the cost of residential amenity

A comment has also been received from Councillor Martin Phipps, raising concern about the impact on residents of Flockton Court and Smithfields in relation to noise

and anti-social behaviour. Councillor Phipps considers that extending the opening hours poses a serious risk of making the existing situation worse.

PLANNING ASSESSMENT

The key consideration in this case is the impact of the proposed increase in the opening hours on the amenity of surrounding residential occupiers, in what is a designated Housing Area and in the City Centre Housing Priority Zone in the UDP.

UDP Policy H14 'Conditions on Development in Housing Areas' states that in Housing Areas new development or change of use applications should not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or pose a risk to health and safety for people living nearby.

The NPPF also emphasises the importance of creating safe, inclusive and accessible places which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience (paragraph 127(f))

The City Centre Living Strategy (CCLS) was approved by Cabinet in 2004 and forms Supplementary Planning Guidance. One of the key goals of this document is to ensure that potential conflict between residential uses and late night venues is managed.

The Interim Planning Guidance on Night Time Uses (IPG) is also relevant and aims to find a harmony and balance between city centre living and a vibrant night time economy, in order to ensure a successful city centre in both senses. The document identifies two areas in the City Centre in which the amenity of existing and future residents should particularly be protected from undue noise and disturbance after a reasonable time of night. The IPG identifies 00.30 hours as this reasonable time of night; the application site does not fall within one of these areas.

Guideline 2 within the IPG states that leisure and food and drink uses will only be allowed if:

a) Conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise or general disturbance.

b) They are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area.

The Devonshire Quarter Action Plan (2001) identifies the site as being within the Housing Priority Zone where noisier uses should be well controlled. The action plan states that additional nightclubs will be resisted in this area and pubs and bars will be required to provide a high standard of sound containment.

Rockingham Street has a strong residential character with SOYO being the only bar. Previous refusals for extension of hours related to the impact in terms of noise and disturbance of increased opening hours. Given that SOYO is the only bar it was considered reasonable to conclude that patrons from the bar contributed strongly to noise and disturbance when arriving and departing. The situation has however changed somewhat with the creation of a taxi rank on Rockingham Street.

The taxi rank operates between 18.30 hours and 03:00 hours and now acts as a catalyst for revellers to frequent this section of Rockingham Street for a taxi until the early hours of the morning. These revellers will come from a number of other venues, including West Street and Division Street and will create general noise and disturbance on the street that cannot be clearly attributed to SOYO. The presence of the taxi rank was a consideration in the 2015 application which allowed an increase in hours until 3 am at the weekend.

The Environmental Protection Service (EPS) have confirmed that the last complaint they received about SOYO was in June 2016 and related to people being rowdy in the street and the last complaint prior to this was December 2012. SOYO have also been submitting Temporary Events Notices (TENs), approximately 10 a year to extend the hours of operation until 4am.

In light of the above and the low number and time between complaints, it would seem appropriate to conclude that the current operations of the bar are on the whole not causing an unacceptable impact on surrounding properties. There are however exceptions to this and the letters of objections from neighbours must be carefully considered.

The gradual increase of licenced premises opening hours may lead to increasing levels of disturbance to residents in the city centre, especially around the West Street area. It seems reasonable to conclude that this extension will contribute to this cumulative impact to some degree. This effect may be exacerbated to residents of Flockton Court and Smithfield apartments due to the location of the Rockingham Street taxi rank. However, there is no basis to attribute such problems to the operation of SOYO in particular, or to assume that this application will substantively change the prevailing situation for residents in the area.

The increase in hours until 3am on a Thursday is only an additional 30 minutes and is within the timeframe of operation of the taxi rank. It is considered that any additional movements associated with the slight increase in hours when considered in the context of the taxi rank operation will have a minimal impact.

The increase in hours until 4am on Fridays, Saturdays and Sundays prior to Bank Holidays, represents an additional hour. The taxi rank stops operating at 3am and so it seems reasonable to assume that after 3am Rockingham Street returns to a quieter state. Rockingham Street links Division Street and West Street and pedestrians will still use this route after SOYO has closed given that there are other late night bars in the City Centre. It is considered that the number of movements created directly from SOYO within this additional hour timeframe will not cause a substantive change in the prevailing character of the activity level of the street.

The increase in hours will bring the premises into line with several other bars including West Street Live and Tiger Works, although it is worth noting that these are not subject to any planning restrictions owing to their historic permissions. EPS have confirmed that they have received minimal complaints about SOYO and that the premise has operated on TENS until 4am without issue. As such it seems reasonable to assume that such operation could become permanent without creating issue.

Although the increase in hours can be justified for Thursday, Friday and Saturday the same arguments cannot be applied to the rest of the week. It is reasonable to expect that residents may be able to tolerate a very slight increase in activity on the street at the weekend but to allow this to be the prevailing situation every evening would result in an altogether different impact to residents and would not result in the required balance between the protection of the living conditions of residents against the business interests of the premises.

RESPONSE TO REPRESENTATIONS

The main points raised through representations have been addressed in the report. It is worth noting that the representations were made on the basis of an increase in opening hours until 4am across the whole week and this has since been reduced.

Issues relating to anti-social behaviour, litter etc, cannot be attributed directly to SOYO although it is recognised that the expanding night-time economy does contribute to these problems.

SUMMARY AND RECOMMENDATION

The proposed increase in opening hours on Thursday, Fridays, Saturdays and Sundays before Bank Holidays are considered to be acceptable in principle. The bar is located in close proximity to residential properties but has operated on Temporary Event Notices until 4am on an average of 10 occasions per year without complaint to the Environmental Protection Service since 2016. The presence of a taxi rank on Rockingham Street means that the street has become more of a destination over recent years and is also a thoroughfare between Division Street and Rockingham Street. In light of the above it is considered that the amended increase in hours is acceptable and will not result in an unacceptable increase in noise and disturbance to local residents, over and above what they already experience as a result of the taxi rank.

It is therefore recommended that the application is approved and Condition 2 is amended to reflect these increased hours.