
Case Number	19/01605/FUL (Formerly PP-07826241)
Application Type	Full Planning Application
Proposal	Change of use from shop (Use Class A1 - retail) to micropub (Use Class A4 - drinking establishment) including erection of shop front and 2 x front dormer windows and alterations to rear elevation including installation of roller shutter
Location	Mosborough Motor Spares 38C - 38D High Street Mosborough Sheffield S20 5AE
Date Received	07/05/2019
Team	City Centre and East
Applicant/Agent	R Bryan Planning
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 shall be carried out in complete accordance with the following approved documents:

Plans as Proposed Julie Murray Architecture m/19/02 published on 02 September 2019.

Elevations as Proposed Julie Murray Architecture m/19/03/A published on 07 May 2019.

R Bryan Planning Noise Management Plan

Reason: In order to define the permission.

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

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

3. 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.

4. Prior to the commencement of the development hereby approved a scheme of sound attenuation works shall have been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of approved noise survey (ref: 12762.01.v2, dated: 07/19, prepared by: NoiseAssess).

b) Be capable of restricting noise breakout of 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 and transmission from the commercial use, and any associated plant and equipment, 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 2300hours);
(iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

[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 occupiers of adjoining property.

5. No live music or amplified sound shall be played within the building unless a scheme of sound attenuation works has been installed and thereafter retained. Such scheme of works shall be capable of restricting noise breakout

from the building to the street to levels not exceeding the prevailing ambient noise level by more than 3dB when measured;

- (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as an 15 minute LZeq.
- 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 occupiers of adjoining property.

- 6. Unless alternative details are agreed in writing with the Local Planning Authority the cheeks and fascias of the hereby approved dormer windows shall be tile hung.

Reason: To ensure an appropriate quality of development.

Other Compliance Conditions

- 7. No amplified sound shall be played within the external areas of the commercial use hereby permitted nor shall loudspeakers be fixed at any time outside the building.

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

- 8. No customer shall be permitted to be on the premises outside the following times: 09:00hrs to 23:00 hrs Monday to Saturday, 09:00hrs to 23:00 hours Sundays and Bank Holidays;

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

- 9. Commercial deliveries to and collections from the building shall be carried out only between the hours of 07:00 to 18:00 on Mondays to Saturdays and not at all on Sundays and Public Holidays.

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

- 10. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 09:00 to 20:00 Mondays to Saturdays and between the hours of 10:00 to 18:00 on Sundays and Public Holidays.

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

- 11. No outside/external area associated with the hereby approved A4 unit shall at any time be utilised for seating and/or drinking. In addition, patrons of the

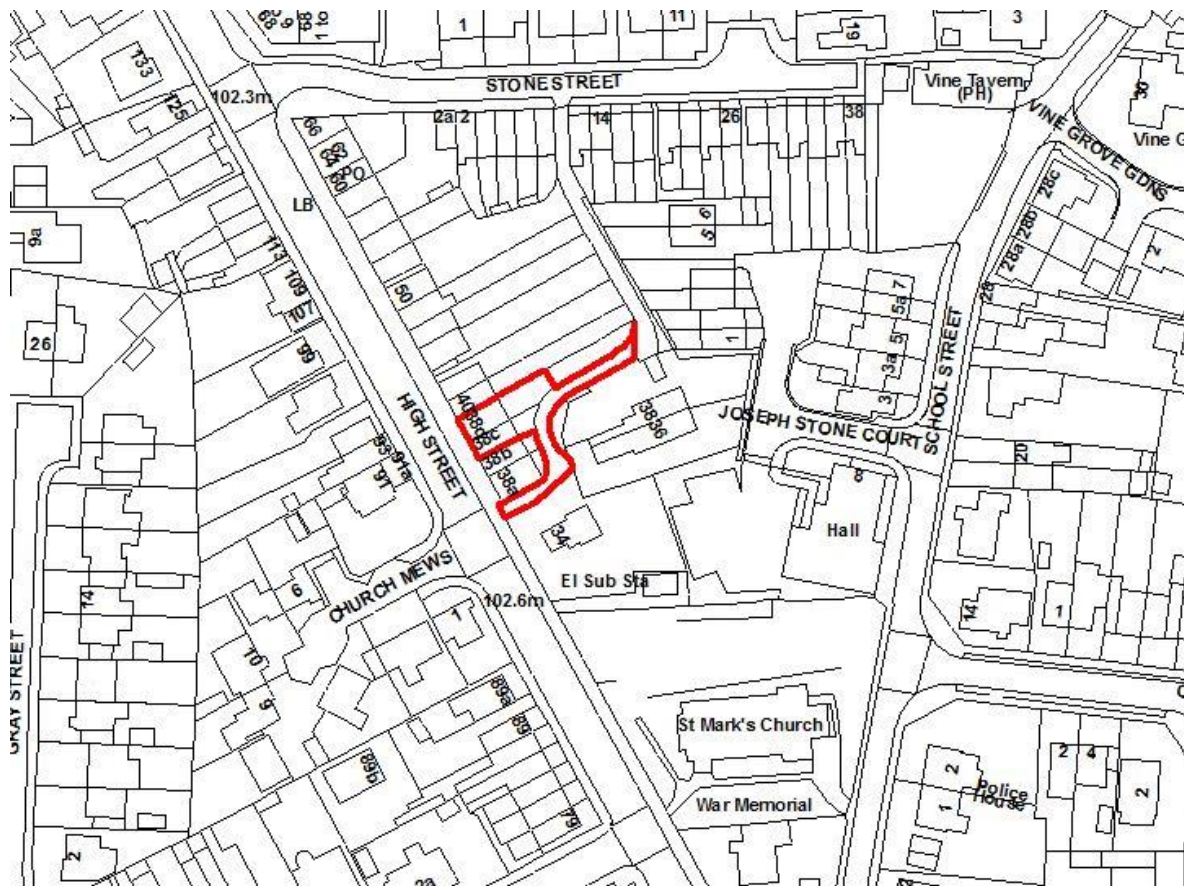
hereby approved A4 use shall only have access to the ground floor of the premises.

Reason: In the interests of the amenities of surrounding residents.

Attention is Drawn to the Following Directives:

1. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
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. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
4. 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



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LOCATION AND PROPOSAL

The application site is located within the local shopping area on Mosborough High Street. The application site consists of a two-storey mid terraced property formerly Mosborough Motor Spares.

The application site consists of Victorian terraced property 4 stories in height with A1 retail unit at ground floor with residential to the first and second floor. The basement will continue to be used for storage.

The property is situated between two residential units (C3) The applicant is seeking consent to use the premises as a public house (Use Class A4) serving hot and cold beverages. A small/ancillary proportion of the business would be retail, with speciality ale being available to purchase for consumption off site.

The proposal also includes a new shop front, erection of dormer windows to the front, removal of the existing chimney and the installation of new windows and a roller shutter door to the rear. Access is provided to the rear of the property with unrestricted on street parking to the front of the property. Parking is restricted on the opposite side of the High Street.

The site sits fairly centrally within the designated Local Shopping Area, however, adjacent and directly opposite are residential properties.

The application is accompanied by existing and proposed plans, along with a Design and Access Statement and Noise Impact Assessment.

RELEVANT PLANNING HISTORY

There is no recent relevant planning history relating to the site.

SITE ALLOCATION

The site is allocated as a Local Shopping Area as defined by the Sheffield Unitary Development Plan (UDP).

RELEVANT LOCAL AND NATIONAL POLICIES

National Planning Policy Framework

The NPPF focuses on the purpose of the planning system in contributing to the achievement of sustainable development. The overarching objectives for delivering sustainable development are a) an economic objective b) a social objective c) an environmental objective.

Sections of the NPPF relevant to the proposal are:

- Section 6 Building a strong, competitive economy.
- Section 7 Ensuring the viability of town centres.
- Section 8 Promoting healthy and safe communities.

Section 9 Promoting sustainable transport.
Section 12 Achieving Well Designed Places.

Sheffield City Council Core Strategy

CS13 Employment Opportunities in Mosborough
CS 74 Design Principles

Saved Sheffield Unitary Development Plan

S7 Development in District and Local Shopping Centres
S10 Conditions on Development in Shopping Areas
BE5 Building Design and Siting
BE 7 Design of Buildings Used by the Public

SUMMARY OF REPRESENTATIONS

A site notice was posted in addition to letters of direct notification to immediate neighbours.

50 letters of representation have been received following publicity on the application. These consist of 41 letters of support, 8 letters of objection, including those forwarded by the MP's office.

Objection:

- The parking situation in Mosborough is bad enough for residents without adding to it.
- Concerns regarding noise impact late into the evening arising from people entering and leaving the site, antisocial behaviour arising from customers smoking and waiting for taxis.
- There are already 7 drinking establishments and questions the need for another.
- Current drinking establishments and takeaways already cause disturbance on the high street.
- No provision for additional parking or taxi pickup.
- Far too close to the proximity of residential premises and the hours are unsociable.

Support:

- Fantastic opportunity for a cultural gathering space and opportunity to peruse local beers.
- Great for the local area and the economy.
- New lease of life and important for the businesses in the local area.
- Micro-pubs are a great source of business and good quality establishments with good clientele.
- The proposal is a welcome injection to the village following the decline of the High Street.
- A Micro-pub is a totally different concept to other drinking establishments and will attract a different clientele.

- Parking has always been an issue the existing Car Spares shop needed parking too.
- Rejecting the application will result in another empty property.
- Will bring life into the village, increase footfall and interest residents of the village and the surrounding area.
- Glad that someone is willing to invest and enhance the amenities for local people.
- Excellent idea, doubt that it will result in noise or nuisance due to the nature of the use.
- Will contribute to choice and won't compete with the other establishments.

CONSULTATION RESPONSES

Highways Development Control – No objections the site is within walking distance of public transport provision

Environmental Protection - No objections following noise management plan and condition required for odour management should hot food be served in the future.

PLANNING ASSESSMENT

The main material planning considerations are:

- Principle of development
- Dominance of preferred uses
- Economic Impact
- Impact on amenity
- Impact on highways and access
- Impact on character and appearance of the streetscene

Principle

The proposal site is located within a local shopping parade where there is a mix of predominantly commercial and some residential development.

Policy S7 (Development in District and Local Shopping Centres) of the Adopted Sheffield UDP states that although shops (A1) are preferred, acceptable uses within these centres also include food and drinking outlets (A4).

Therefore, it is considered that the proposed use is acceptable in principle, subject to other material considerations being addressed and accepted.

Dominance

Policy S10 of the Sheffield UDP seeks to ensure that the main function or character of an existing shopping area is not undermined by new development. Proposals are to be assessed in terms of their scale, location and prominence in the streetscene along with the likely effects on pedestrian flows and general level of activity along with the number and distribution of other non-retail use in the surrounding area.

Section a) within Policy S10 (Conditions on Development in Shopping Areas) within the UDP states that in such areas new development should not lead to a concentration of uses which would prejudice the dominance of preferred uses in the area.

Preferred uses for this Local Shopping Centres are A1 (shops). Dominance in this case is defined as 50% of ground floor units within the existing centre.

The application site is made up of 2 commercial units (38d and 38c) and there are 18 premises in the Local Shopping Area, with 6 additional commercial uses opposite within the allocated Housing Area.

Of the 18 premises of relevance to this assessment 2 are C3 (residential) and as such omitted for the purpose of assessing the dominance of commercial units.

Therefore, there are 16 commercial units.

- 1 unit being the application site proposed for change of use form A1 to A4.
- 1 unit being vacant A1.
- 9 units A1 (retail).
- 3 units A2 (office).
- 2 units A5 (hot food takeaways).

Therefore, should Members be minded to approve the scheme, 10 units would remain as the 'preferred' use, with 6 units being as 'acceptable' uses.

The A1 preferred uses would therefore form 60% of the local shopping area which is above the policy criteria outlined above. It is therefore concluded that the proposal complies with Policy S10 (a).

The existing unit has been vacant for some time and as such a new use is also welcomed in the interest of providing vitality to the local shopping parade and will enhance the offering of the shopping parade as well as having visual benefit. In addition it is considered that the new use would have community value.

Economic Impact

National and local planning policy places economic objectives as being important in delivering sustainable development.

The proposal, whilst being of relatively low scale, will contribute towards the local economy. The proposal will deliver 1 full time job and 4 part time jobs, in addition to bringing back the premises into an employment generating use and the indirect benefits to the economy in terms of the short term construction work.

There is significant support to the proposal in terms of the benefits to vitality and viability of the local shopping area.

The NPPF states that planning should address specific locational requirements of different sectors and encourage local investment. The proposal is considered to assist the delivery the objectives in Section 6 of this document.

Amenity Issues

There has been some objections to the application with regard to the impact of the proposal on residential amenity, as identified in the summary of representations above.

The concerns concentrate on residential amenity impact and antisocial behaviour.

Section b) within Policy S10 (Conditions on Development in Shopping Areas) within the UDP states that new development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

The applicant has applied for opening hours to be 0900 hrs to 2300 hrs Monday to Saturday and 1000 hrs to 2300 hrs on Sundays and Bank Holidays. The premises is in the centre of the commercial area. Within this area there are other later evening uses, however, there are residential properties adjacent and opposite the site.

As such, the applicant has agreed to:

- Provide a Noise Survey and Noise Management Plan.
- Remove the use from the upper floors using them for ancillary storage only reducing the occupation to 40 people at any one time.
- Create a no smoking area and staff will actively discourage smoking by signage and management intervention.

Noise

The noise survey illustrates that there will be no contravention of the recommended noise levels either for occupants of adjacent residential units or generally to neighbours as a result of noise breakout. Indeed the survey reveals that the proposals do not necessitate any extra noise mitigation works due to adequate noise mitigation measures currently being in place in terms of soundproofing to party walls. The Council's Environmental Protection Service raises no objections to the proposal.

The premises is small scale which limits the amount of customers being able to attend at any one time. Due to this small scale and the current noise mitigation measures there would be no significant harm arising from noise within the building subject to the adherence of the recommended conditions.

Concerns have been raised by interested parties in respect to noise and disturbance that could arise when customers leave the premises after closing time. The noise generation would not be significant due to the capacity of the venue and taking account of the other night time uses and that the site is located within a Local Shopping Area for which this nature of use is considered appropriate. It is

considered that the potential harm on residential amenity does not, in this instance, outweigh the material planning benefits of the proposal.

Odour

The proposal does not include the provision of hot food, only bar snacks will be on offer as such there will be no cooking odour. A condition has been recommended should the situation change. The condition requires details of extract ventilation to be submitted and agreed should hot food be provided.

With the imposition of planning conditions the proposal is considered to be acceptable from an amenity perspective and is compatible with the expectations of Policy S10 and would support the objectives of promoting healthy and safe communities as set out in Section 8 of the NPPF in ensuring that established facilities are able to develop and modernise for the benefit of the whole community.

Design

The proposal involves operational development in the form of the removal of the existing chimney, installation of two pitched roof dormer windows to the roof at the front of the building, a new shop front, windows and roller shutter door to the rear.

Section (d) within UDP Policy S10 (Conditions on Development in Shopping Areas) states development should be well designed and of a scale and nature appropriate to the site.

Policy BE5 of the UDP, Core Strategy Policy CS74 and NPPF section 12 seek to promote good design and achieve well design places.

The proposed works will deliver a design uplift the property without adversely affecting the character and appearance of the street scene. The adjacent property has recently installed similar dormer windows to the roof at the front and replaced the windows and doors.

The new shop front is to be finished in dark grey to match the neighbouring property, delivering a modern appearance to the property. Manifestation is to be fitted internally to the windows in the shop front to allow a level of separation from people passing along the footpath, whilst still delivering an active street frontage.

A condition will be recommended should Members resolve to grant planning permission, to ensure the work is completed in accordance with approved details.

The proposed works will deliver a material improvement in the appearance of the building and the street scene and as such it is considered that the proposed operational development associated with the change of use adheres to the aforementioned policies.

Highways and Access

The Local Shopping Centre is serviced by public transport and there is on street parking available in the immediate locality. It is also anticipated that the site would be frequented by people living in the local area by foot.

The accessibility of the premises and its size and nature would not generate significant parking demand, congestion or vehicle movements.

The proposal is therefore considered to comply with Section f) of Policy S10 (Conditions on Development in Shopping Areas) within the UDP states that new development should be adequately served by transport facilities and provide safe access to the highway network and appropriate off street parking and not endanger pedestrians and NPPF Section 9.

The applicant has stated that there will be a removable ramp available to ensure access into the property complies with access for all requirements as such the proposal is considered to comply with the requirements of Policy BE7 (Design of Buildings Used by the Public) of the UDP which states that in all buildings used by the public, provision will be expected to allow people with disabilities safe and easy access to the building and appropriate parking spaces.

RESPONSE TO REPRESENTATIONS

Many of the issue raised through representation have been discussed above. Some concerns have been raised in relation to anti-social behaviour such as the potential for guests leaving the site to hang around on the street and dispose of glasses in the gardens of nearby residents.

Anti-social behaviour is not a matter for planning, there are other regulations and legislations with powers to deal with such matters.

The careful management of the site will ensure that these behaviours are not the norm. The applicant has confirmed commitment to working with the local community to deliver a facility that will be an asset the community which is welcomed by the many letters of support for the proposal.

SUMMARY AND RECOMMENDATION

The use of the premises as a micro-pub is acceptable in principle and does not prejudice the role of the Local Shopping Centre in terms of dominance. Whilst there are some concerns about the proximity of the site to residential properties and concerns raised with regard to harmful impact on residential amenity in particular, through noise disturbance, these concerns can be adequately addressed by conditions and other legislation.

The application has received significant support from the local community in that the proposal would bring a vacant premises back into use and enhance the vitality and viability of the Local Shopping Area and the local economy.

The scheme does not pose significant highway safety implications and is located sustainably in terms of alternative transport options.

Taking account of all of the material planning issues, on balance it is concluded that the scheme is compliant with policies S10, BE7 and BE5 of the UDP, Policy CS74 of the Core Strategy and the relevant objectives of the NPPF. For these reasons it is recommended that planning permission is granted.

Recommendation: Grant Conditionally.

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