
Case Number	19/02666/FUL (Formerly PP-07894988)
Application Type	Full Planning Application
Proposal	Change of use of ground floor from a bank (Use Class A2) to a hot food takeaway (Use Class A5) including new shop front and erection of a rear extraction flue
Location	Site Of Former NatWest 8 Meadow Head Sheffield S8 7AA
Date Received	19/07/2019
Team	South
Applicant/Agent	Sanderson Weatherall
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:
 - PROPOSED LOCATION & BLOCK PLAN / 19049-01 REVISION -
 - PROPOSED ELEVATIONS SCENARIO 2 / 19049-21 REVISION B
 - PROPOSED PLAN / 19049-10 REVISION A
 - PROPOSED FIRST FLOOR SCENARIO 2 / 19049-29 REVISION B
 - SUPPORTING INFORMATION ON THE PROPOSED EXTRACTION SYSTEM AND PLANT AT 8 Meadowhead. Woodseats, Sheffield, S8 7UD (Uploaded on 9 Oct 2019)

Reason: In order to define the permission.

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

3. The use hereby approved shall not commence unless a scheme of sound attenuation works has been implemented, the details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. The approved works shall be thereafter retained.

Reason: In the interests of the amenities of occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

4. The use hereby approved shall not commence until the kitchen fume extraction system has been installed as detailed in "Supporting Information on the Proposed Extraction System and Plant", which forms part of a scheme to protect occupiers of adjacent dwellings from odour and noise. The approved system shall be thereafter retained and maintained in accordance with the approved scheme.

Reason: 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)

5. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, other than the kitchen fume extraction system and condensing unit detailed in the "Supporting Information on the Proposed Extraction System and Plant" 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.

Other Compliance Conditions

6. No customer shall be permitted to be on the premises outside the following times: 11:00-23:00hrs.

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

7. Food deliveries from the premises shall only take place between the following times: 11:00-23:00hrs.

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 08:00-21:00 on Mondays to Saturdays and between the hours of 09:00-21:00 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 08:00-21:00 Mondays to Saturdays and between the hours of 09:00-21:00 on Sundays and Public Holidays.

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

10. Notwithstanding the approved plans and the proposed use of the building as a hot food takeaway within Use Class A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended), the hot food takeaway shall serve only food prepared using a conveyor oven in accordance with Section 1.0 of the document titled 'Supporting Information on the Proposed Extraction System and Plant at 8 Meadow head, Woodseats, Sheffield, S8 7UD". No intensification of cooking facilities beyond those detailed in the aforementioned document shall occur.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property, owing to the specification of the proposed fume extraction equipment.

11. All servicing and/or deliveries to the site shall only take place via the frontage of the premises.

Reason: In the interests of highway safety and 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



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LOCATION AND PROPOSAL

The application site is located to the west of Meadow Head. It is currently vacant, with the most recent occupier being NatWest Bank (Use Class A2).

The Unitary Development Plan (UDP) designates it as being within a Local Shopping Centre.

The Abbey Lane Local Shopping Centre covers the parade of shops to the south of Meadow Head's junction with Abbey Lane, with the outlets to the north of the junction being within the Woodseats District Shopping Centre.

The residential properties to the south of the Local Shopping Centre are within a Housing Area in the UDP.

The adjacent property at Number 10 includes a residential flat at its 1st floor level, and the upper floors of the application site are in the process of being converted to 5 flats (see planning history below).

The application seeks permission for change of use from Class A2, to a hot-food takeaway (use Class A5) including installation of a new shopfront and erection of a rear extraction flue.

RELEVANT PLANNING HISTORY

The majority of the site's history relates to its use as a Bank. However, the most recent application followed the closure of the Bank, and was a 'Prior Notification' application (reference - 19/01748/RDPN) relating to the change of the first and second floors of the building to 5no. residential units.

The conclusion of this application was the granting of Prior Notification, and works relating to the implementation of this approval are underway.

SUMMARY OF REPRESENTATIONS

The application was publicised by direct neighbour notification and site-notice display.

Objection

A total of 30 representations have been received from 20 separate addresses in objection to the proposal. In addition, representations in objection to the proposal have been received from Louise Haigh MP and Councillor Ian Auckland.

The representations objecting to the proposal are summarised as:

Noise and Disturbance

- The locality is a quiet, residential area including many families and application site is at the edge of shopping centre and is near residential properties. After 10pm, the road is quiet.
- The site is in a Local Shopping Centre, not a District Shopping Centre as identified in the Planning Statement.

- The proposal would be the only local facility to open late, and would represent an overly intensive use compared to the Bank.
- Noise would be generated by customers, their cars, delivery vehicles and refuse collections.
- The submitted data doesn't justify late night opening.
- Disruption of sleep patterns and harm to mental health.
- It will create loitering/congregating in the locality and anti-social behaviour.
- Any permission runs with the address, so the applicant's operating strategies wouldn't necessarily apply in the future.
- Use of gennel by 3 mopeds will disturb the dog grooming business at 10 Meadow Head.

Highways

- Significant current parking problems will be made worse. Any cars/vehicles associated to the use will monopolise on-street spaces. Abbey Lane on-street bays are limited to 'no-return' within a specific period, making them un-usable by delivery drivers.
- Parking on Abbey Lane would harm current businesses there.
- Regular deliveries to site will occur at a busy and dangerous junction.
- The initially submitted Planning Statement refers to delivery vehicles accessing the rear of the site from Greenhill Road. It also referred to use of a nearby car park, which doesn't exist.
- Other Papa John's premises use delivery mopeds. Having these on the pavement outside the site, or stored within the premises would cause safety issues.
- The submitted document refers to mopeds using the gennel to access the rear; which is narrow and shared with 5 flats above the application site.
- Mopeds crossing pavement and using the gennel is dangerous.
- Inadequate space at rear for multiple refuse bins and mopeds.
- Due to issues with use of the rear area, the use of the frontage pavement is likely.
- Idling cars will create air pollution.

Odours

- The use would create harmful odour impacts.
- The condenser and extraction fan will be noisy.

Other Issues

- Inadequate neighbour notification. Site notices have recently been installed, nearly three months after the application's submission. A neighbour has circulated the notification letter around the locality.
- Lack of information provided about application's progress.
- Current excessive litter levels will increase. Leading to vermin and health concerns.
- It was queried whether an unhealthy fast-food outlet near to schools is required. Multiple pizza outlets exist in locality, as well as a wide range of other takeaways.
- Impacts on tree cover queried, based upon a note on the 'Bin Storage Plan'.
- Potential disturbance of bats which feed over land at rear of site.

- Errors in the initial Planning Statement which argues a vacant unit will be used, but properties do not remain vacant for long periods.
- The application argues that jobs will be created, without explaining their terms and conditions.
- Comments from local businesses are based on profit, without regard for living condition of residents. Others from remote addresses are not relevant.
- Approval for 5 flats should have been more visible, as inadequate parking situation will be worsened.
- Applications for takeaways on the opposite side of Meadow Head (Numbers 1 and 3) have been rejected.

Louise Haigh MP's representation, can be summarised as:

- Query whether appropriate notification has been undertaken.
- It will extend retail concentration into a predominantly residential area.
- The access route to rear of site will be used for deliveries and cause noise disturbance.
- Insufficient customer car parking.
- Proposed opening hours will exacerbate existing problems.
- 5 pizza takeaways exist in area and a further one is unnecessary.

The representation submitted by Cllr Ian Auckland is summarised as follows:

- It represents a significant intensification of use over the previous 9am-5pm, weekday use.
- Unacceptable impacts on living conditions; i.e. air pollution, noise, loss of on road parking.
- The proposed weekend opening hours exceed activities of premises within the main Woodseats Centre, and application site is on the fringe of commercial activities.
- The proposed Extraction System and Plant document doesn't appear available. Elevations show flue to terminate near to windows for the flats, harming living conditions. Any further height would create a visual intrusion.
- Litter concerns.
- Limited information on peak delivery periods, driver numbers and environmental sustainability of deliveries.
- During evening and overnight parking bays are full, and additional usage in addition to the flats won't be able to be accommodated.

Support

12 representations supporting the application have been received. 1 from the landlord of the property and the flats in the upper floors, 6 from addresses remote from the site, and 5 from nearby businesses. The comments can be summarised as follows:

- Papa John's food is high quality, a good service is provided and the shopfront would provide good views into the shop.
- Renovation of the property will benefit the locality, restoring a dilapidated building.
- The main, arterial route is a logical site for a business requiring a prominent location and a glazed shopfront.
- It will improve security of other businesses.
- Proposal will compliment other businesses and will enhance the Shopping Centre.

- Additional jobs are welcomed.
- Footfall previously generated by NatWest will be restored. Would improve amenities for residents.
- Tree at rear is not going to be cut down.

PLANNING ASSESSMENT

The main issues for consideration are; the principle of the proposal, its impacts on living conditions, highway implications, and the visual effects of the proposed physical alterations.

RESPONSE TO REPRESENTATIONS

Principle of Use

The application site is located in a Local Shopping Centre (LSCs). Policy S7 'Development in District and Local Shopping Centres' of the UDP identifies Food and Drink outlets as acceptable in LSCs. So the principle of the proposed hot food takeaway (A5 use) would be considered acceptable under this policy.

Policy S10 'Conditions on Development in Shopping Areas' supports S7, and in (a) requires the preferred, A1/retail uses to remain dominant in the centre. As the proposal is for a change from one non-A1 retail use (A2) to another non-A1 retail use, there will be no effect on the concentration of the preferred uses in the locality.

As such, the principle of the proposed use is considered to be acceptable.

Living Conditions

Policy S10(b) states that a change of use will be permitted provided that it would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety.

The impact of the proposal on the 5 flats in the upper floors of the application site are required to be given due consideration. The next nearest residential property is the upper flat above the adjacent property at Number 10A. Number 16 Meadow Head is the first in a terrace of residential properties, which are designated as being within a Housing Area in the UDP.

The proposed opening hours are: 11am to 11pm (seven days per week). Meadow Head is a busy, arterial route generating a considerable amount of ambient noise immediately adjacent to the site and nearby residential dwellings. Whilst some reduction in vehicle activity during and after the late-evening period is likely, it is not considered reasonable to expect that residents living in close proximity to this major road should enjoy the same level of amenity that might be afforded in a solely residential area.

It is clear that the takeaway would bring some increased activity compared to the site's use as a Bank. However, given the context of the main road and the LSC, it is

considered that the resulting noise and disturbance would not constitute a material harmful impact that would be capable of supporting a reason for refusal.

The applicant states that, on average, 60-70% of its orders are for home delivery. This would limit the number of customers arriving at the site by car for order-collection, and restrict the associated noise and disturbance. The operation of home-delivery vehicles would be managed by the store, avoiding insensitive activities and harmful impacts on neighbouring living conditions.

There is potential for future occupation by different A5 operators. However, any future operator would be bound by the same conditions. Other business models may not involve a similar proportion of home-deliveries, and increased customer traffic.

It is considered that the opportunities for on street parking within the locality would accommodate activity without being focused at a particular location, therefore avoiding noise and disturbance impacts upon a single property/group of neighbouring addresses. As such, it is not considered that the potential occupation by a different operator would lead to detrimental impacts which would be sufficient to warrant the application's refusal.

Detailed information has been provided relating to the proposed odour extraction system and condenser unit. The odour extract system would run vertically up along the rear wall of the building and exceed the height of the roof lights due to be inserted into the rear roof slope as part of the residential conversion. Given the proposed cooking equipment, the flue and additional odour abatement measures would be considered to safeguard the living conditions of the flats above the application premises, and other surrounding residential occupiers.

The condenser unit would be sited externally at ground floor level on the rear elevation. The details provided about the unit, demonstrate it wouldn't produce a level of noise which would undermine living conditions of the residents above the unit and/or within the vicinity.

It is therefore considered that with proper appropriate installation and maintenance the odour control equipment and condenser unit would not undermine living conditions of residential occupiers.

It is therefore considered that the takeaway would have acceptable impacts in terms of its noise and disturbance. Overall, it is not considered that the proposal would represent a conflict with UDP policy S10 (b).

Highways Issues

Paragraph 109 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'

UDP policy S10(f) requires proposals to provide safe access to the highway network and appropriate off-street parking.

There is no off-street parking associated to the application site. Multiple on-street parking bays are present within the vicinity of the site, and some of these would be expected to be used by staff / customers of the takeaway. It is noted that residents raise concerns about parking availability however it is expected that sufficient on street space will be available to accommodate the expected parking to be generated by the use, albeit potentially spread beyond the immediate locality of the application site if necessary. However, the unit would also be expected to serve the local area as well as passing trade and the large population with walking distance.

The Agent has stated that three electric mopeds would use the side passage to access the rear yard area for collecting deliveries. The side passage in question is not included within the application site boundary. Use of the footway would potentially undermine pedestrian safety and the living conditions of upper-floor flat residents. For these reasons, it would be necessary to impose a condition on any approval which stipulates that servicing of the use is restricted to the site frontage only.

Three supply deliveries would be made to the venue each week, and these would take place from Meadow Head. Home-delivery vehicles would be expected to utilise the on-street bays within the vicinity, and potentially the forecourt in the case of mopeds. This would not be considered to undermine local highway/pedestrian safety.

Overall, it is not considered that the proposal would have an unacceptable impact on highway safety or the local road network. It is therefore considered it would comply with the relevant requirements of the NPPF and UDP policies.

Visual Impacts

The proposal includes the following external physical alterations; new shopfront and odour extraction plant/condenser unit at the rear.

The proposed extraction duct would rise above the eaves by approximately 2.1m. This would not be visible from the site's frontage, and any visibility from properties at Greenhill Road would be mitigated by the 29m (approx.) separation and the mature tree in the space at the rear of the site. As a result, it is not considered that the ducting would have a detrimental visual impact.

The condenser unit measures 0.9m by 0.7m (approx.), would be set at ground level of the rear elevation, and would only be visible from the neighbouring property at Number 6. Number 6 is occupied by a commercial user, so wouldn't be significantly affected by the presence of the unit.

The alterations to the shopfront are minor, and essentially involve some modest changes to the glazing patterns using a black finish. These alterations are considered to have an acceptable impact upon the appearance of the shopfront and the wider shopping centre.

The entrance includes an opening of adequate width for access/mobility provisions, so would be considered to be acceptable in this respect.

Overall, the proposal would have acceptable visual impacts and meet the requirements of UDP policy S10(d), which require alterations to be well designed and of an appropriate scale and nature.

RESPONSE TO REPRESENTATIONS

The majority of comments have been covered in the above assessment section. In regards to the remaining matters, the following responses are made:

- There would be no expectation that the proposal would lead to customers congregating outside of the premises. Any customers waiting for orders would be more likely to wait inside the premises.
- The initially submitted Planning Statement included some incorrect information regarding deliveries from the rear which was later corrected.
- If delivery mopeds access the pavement or the rear of the site through the passage, other non-planning legislation would require them to do this in a safe and appropriate way.
- Neighbour notification was undertaken in accordance with statutory requirements, and the Authority's Code of Practice for Publicity and Consultation on all Planning Applications.
- The Local Planning Authority don't issue updates upon an application's progress. However, members of the public are able to contact the officer directly to make such enquiries.
- There is a litter bin in close proximity to the application site. Notwithstanding this, it would not be reasonable to resist the application because of inappropriate customer behaviour regarding waste disposal.
- The Local Planning Authority does not have any planning policies which would restrict unhealthy, fast-food outlets in proximity to schools. Additionally, the presence of other takeaway pizza outlets within the vicinity wouldn't represent a basis to resist the current proposal.
- The 'Bins Area' plan is submitted to show the location of the facility's bins, and does not comprehensively show information regarding any other matter such as the intentions surrounding the tree in the rear of the application site.
- The proposal does utilise a vacant unit, however, this issue has not been a determining issue in the assessment of the application.
- The jobs provided by the proposal are clearly welcomed and their terms and conditions will be covered by non-planning legislation.
- The support comments from local businesses and addresses remote from the site have been taken into account as part of the assessment of the application, but have not raised determinative factors.
- The notification relating to the current application and the prior notification application for 5 flats was in accordance with statutory requirements.
- There were four application refused for takeaways at properties on the opposite side of Meadow Head (No's 1 and 3) refused between 1997 and 2000. However, both of these properties are within a Housing Area under the UDP and are therefore subject to differing policy requirements.

SUMMARY AND RECOMMENDATION

The application seeks planning permission for the change of use of the ground floor of a premises previously occupied as a bank, to a hot food takeaway, including a new shop front and erection of a rear extraction flue and condenser unit.

The principle of the proposal is considered to be acceptable and does not affect the balance of retail uses in the Local Shopping Centre. The proposal is considered to avoid detrimental impacts upon the living conditions of residential occupiers, both above the premises and in its vicinity. It is also considered that it would avoid detrimental impacts upon local highway safety and on visual amenities.

Overall, the proposal would comply with relevant national and local planning policies, and as a result conditional approval is recommended.