

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 18/11/2014

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

NOTE Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

Case Number	14/03048/FUL (Formerly PP-03586255)
Application Type	Full Planning Application
Proposal	Demolition of existing food retail unit and two dwellinghouses and erection of new food retail unit with associated car parking accommodation, landscaping works, amended access and relocation of electricity sub-station (re-submission) (Amended as per plans received on 29/10/2014)
Location	LiDL Supermarket Castlebeck Avenue And 322 And 324 Prince Of Wales Road Sheffield S2 1DS
Date Received	18/08/2014
Team	City Centre and East
Applicant/Agent	Nathaniel Lichfield And Partners
Recommendation	Grant Conditionally

Subject to:

- 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.

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

550/P110 Rev D (Proposed External Elevations);
550/P118 Rev B (Proposed Surfacing Treatment) and
550/P111 Rev J (Proposed Site Plan) all received on 29/10/2014

550/P112 Rev B (Floor Plans) and
550/P113 Rev B (Roof Plan) received on 15/8/2014

Reason: In order to define the permission.

- 3 Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

- 4 Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows/glazed screens
Eaves
Brickwork detailing
Roof
Rainwater goods

Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

- 5 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

- 6 The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a

period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

- 7 Any plant failures that occur within 5 years from the date of implementation shall be replaced in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality.

- 8 Notwithstanding the submitted plans, details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority. The building shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality.

- 9 The proposed acoustic fence shall be installed before the development is brought into use. Prior to its installation full details of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The discount retail store hereby approved shall not be used unless the acoustic fence has been provided in accordance with the approved details and thereafter the fence shall be retained.

Reason: In the interests of the visual amenities of the locality.

- 10 The discount retail store hereby approved shall not be open to the public outside the hours of:

7am - 10pm Mondays to Saturdays
10am - 4pm on Sundays and Bank Holidays

Deliveries to the building shall only be carried out between 0700 hours and 2200 hours on Monday to Saturday and between 0800 hours and 2100 hours on Sundays and Public Holidays.

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

- 11 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 in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered.

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

- 12 Plant and equipment shall be designed to ensure noise levels do not exceed 5dBA (LA90) below background noise levels measured at the site boundary

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

- 13 No amplified sound or live music shall be played either within or without the premises 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.

- 14 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 2200 hours and 0700 hours (on the following day) Sundays to Fridays and between 2200 hours and 0900 hours (on the following day) on Saturdays and the day before a Public Holiday.

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

- 15 Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

- 16 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained

- 17 Prior to being discharged into any watercourse, surface water sewer or soakaway system all surface water drainage from parking areas and hardstandings shall be passed through a petrol/oil interceptor designed and constructed in accordance with details to be approved in writing by the Local Planning Authority.

Reason: Prevent pollution of the water environment.

- 18 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

- 19 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to mitigate against the risk of flooding.

- 20 The building shall not be used unless the car parking accommodation for 68 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.

- 21 No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of highway safety and the amenities of the locality.

- 22 No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of the safety of road users.

- 23 There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

- 24 The building shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with approved plans. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the service yard is fully available for the parking, turning and manoeuvring of delivery/service vehicles.

Reason: In the interests of highway safety and the amenities of the locality.

- 25 The building shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained

Reason: In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield and Core Strategy.

- 26 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

Reason: In order to ensure an appropriate quality of development.

- 27 The building shall not be used until a Delivery Management Plan detailing the supervision of delivery operations has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Delivery Management Plan shall be adhered to and must not be altered without the prior approval of the Local Planning Authority.

Reason: In the interests of pedestrian safety.

- 28 No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

Attention is drawn to the following directives:

1. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

Highways Adoption Group
Development Services
Sheffield City Council
Howden House, 1 Union Street
Sheffield
S1 2SH

For the attention of Mr S Turner
Tel: (0114) 27 34383

2. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

For the attention of Mr P Vickers

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

3. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.
4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-

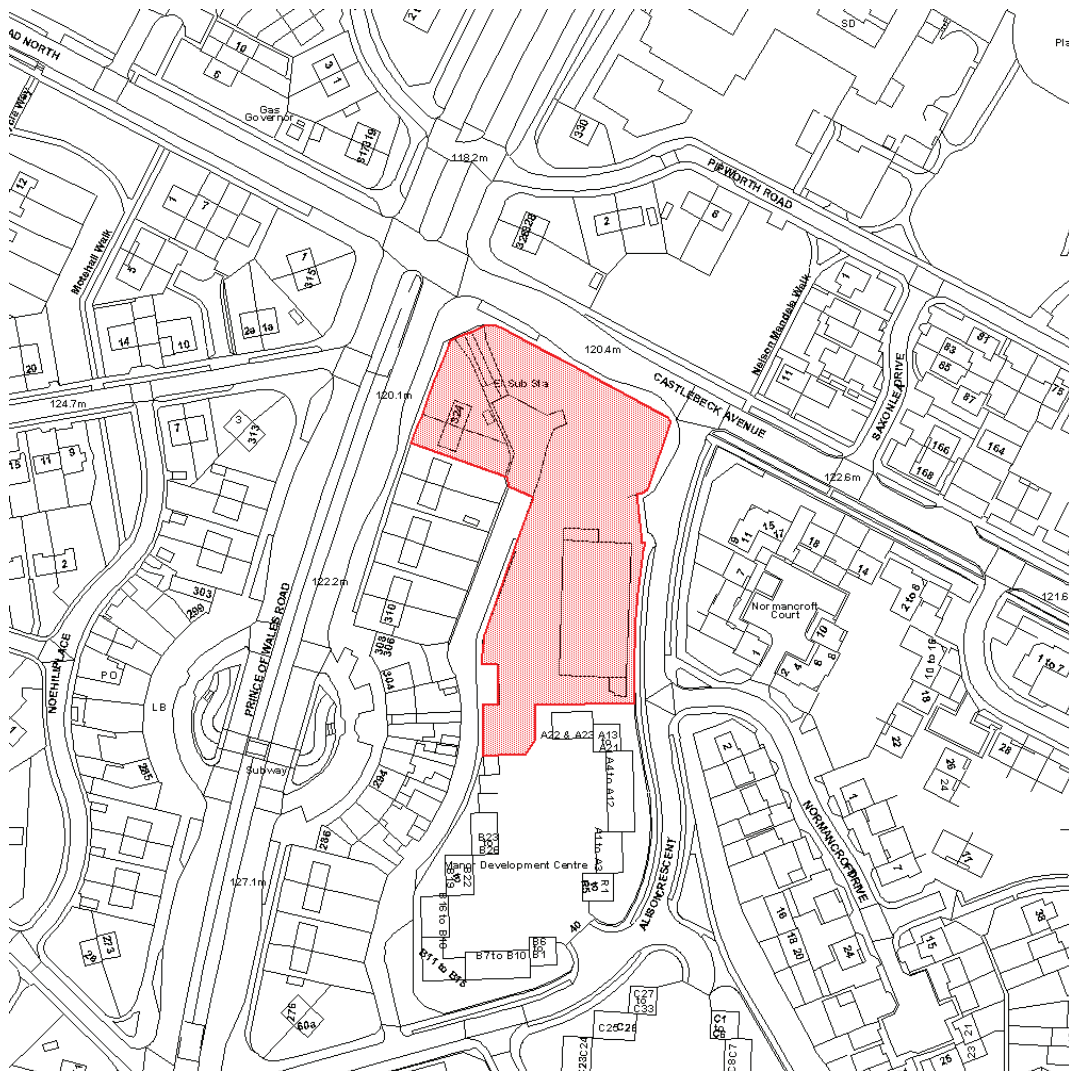
commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

5. 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. 0800 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 the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.
6. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document "Guidance Notes for the Reduction of Obtrusive Light (GN01: 2011)". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available for download from the Institution of Lighting Professionals' website, or telephone (01788) 576492.
7. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
8. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
9. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at www.sheffield.gov.uk/planning or apply online at www.planningportal.gov.uk. The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

10. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

Site Location



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LOCATION AND PROPOSAL

The application site is located on Castlebeck Avenue, between Alison Crescent and Prince of Wales Road. It comprises of the site of an existing Lidl supermarket and its car park, located in a designated Business Area, plus the site of a pair of semi-detached dwellinghouses at 322 and 324 Prince of Wales Road, which are situated within a designated Housing Area as defined in the Unitary Development Plan (UDP).

The supermarket, a single storey building located at the southern end of the site, is accessed by car from Alison Crescent. As the land slopes gently down from south to north, the car park, at the northern end of the site, is raised approximately 1.5 to 2 metres above Castlebeck Avenue. On the northern side of Castlebeck Avenue is a grassed open space area and, beyond, the rear of semi-detached dwellinghouses on Pipworth Road.

To the east of Alison Crescent is Normancroft Court, a single and two storey residential development finished in a dark buff brick. A landscape strip along the eastern side of Alison Crescent provides some screening to the houses on Normancroft Court.

To the south of the supermarket the site bounds the Alison Business Centre, a small complex of single and two storey red brick buildings which provide accommodation and business support for new and starter businesses. The Alison Centre is managed by the Manor Development Company.

Bonsall Lane runs along the western site boundary. It is a private road providing access to the rear of red brick properties on Prince of Wales Road, including premises within the Local Shopping Centre towards the southern end of the application site.

In January 2014 an application for the demolition of the existing Lidl store and a pair of neighbouring semi-detached dwellinghouses (at 322 and 324 Prince of Wales Road), and their replacement with a new store in the same location, plus the extension of the car park and erection of a new electricity sub-station was refused at committee as it was considered the development failed to respond to the Prince of Wales Road and Castlebeck Road frontages in a sufficiently positive manner, while the loss of the two semi-detached houses and their replacement with surface level car parking further diminished the sense of arrival in this key gateway location. Moreover, the proposed materials were not considered to reflect local character or to be of sufficient quality. In addition, the existing conflict between pedestrians accessing the store and the main vehicular and service access that crosses directly in front of the entrance remained unresolved and it was felt that the extension of the car park up to the boundary of 320 Prince of Wales Road could have a harmful impact upon the amenities of its occupants.

Following lengthy negotiations, in which Lidl's agents looked at a variety of options for the site, planning permission is now sought for an amended scheme. The proposals, which again involve the demolition of the existing Lidl store and the pair of semi-detached dwellinghouses at 322 and 324 Prince of Wales Road, include a replacement store plus an extension to the car park, landscape works, amendments to the access and the relocation of the electricity sub-station as described in more detail below.

RELEVANT PLANNING HISTORY

- 13/03286/FUL An application for the demolition of an existing food retail unit and two dwellinghouses and the erection of a new food retail unit with associated car parking accommodation, landscaping works and the relocation of an electricity sub-station was refused at committee on 29th January 2014 for the following reasons:
1. The Local Planning Authority considers that the proposed development, by reason of the siting and external materials of the store, the extension of the car park and the unresolved conflict between pedestrians and vehicles, gives rise to a poor design which is detrimental to the character of the local townscape and contrary to the aims of Policy CS74 of the Core Strategy, the Manor Neighbourhood Development Framework and the National Planning Policy Framework.
 2. The Local Planning Authority considers that the development would be harmful to the amenities of the occupiers of the neighbouring residential property owing to the noise and exhaust fumes from vehicles in close proximity to the site boundary as a result of the extension of the car park. In these respects the proposal is contrary to Policy H14 of the Unitary Development Plan and the National Planning Policy Framework.
- 12/00657/FULR In April 2012, an application to extend the time limit for implementation of 09/00300/FUL (single-storey rear extension, relocation of loading area and single-storey front extension to retail store) was approved.
- 11/00549/HOARD Consent was refused in April 2011 for the erection of a freestanding double sided 48-sheet.

- 09/00300/FUL Planning permission was granted for the erection of a single storey rear extension, relocation of the loading area and a single-storey front extension to retail store in April 2009.
- 09/00066/FUL In March 2009, an application under section 73, to remove restrictions on delivery hours as imposed by condition 10 of application 94/01361/FUL, was granted. The amended condition allows deliveries one hour either side of the store opening hours and reads:
- Delivery of goods to the site shall be restricted to between 0700 hours and 2000 hours Mondays to Saturdays and 0900 hours and 1700 hours Sundays and Public Holidays.
- 05/04855/FUL Permission was granted in March 2006 for a single storey rear extension and the relocation of the loading area.
- 94/01361/FUL In September 1995, planning permission was granted for the erection of a retail store with associated car parking accommodation and provision of a pedestrian link to Prince of Wales Road and alterations to 300 Prince of Wales Road.

SUMMARY OF REPRESENTATIONS

No representations were received in relation to the amended proposals from the occupiers of neighbouring properties. A key issue for neighbours in relation to the last submission was the relocation of an electricity substation adjacent to 320 Prince of Wales Road. It is now proposed to relocate the substation towards the southern end of the site adjacent Bonsall Lane.

Local member Cllr Terry Fox requested that Lidl consider including a Paypoint machine in the new store to serve the local community.

Lidl explained that they do not currently have Paypoint facilities within any of their UK stores across the UK, though they would be happy to review the need and scope to provide a Paypoint facility as and when the replacement store is open to customers.

They pointed out, however, that there are two Paypoint facilities in the local area, at Kiran's Convenience Store and the Parkway Service Station. They also felt that the provision of a Paypoint facility within the new Lidl store might reduce the prospect of people continuing to use existing shops and services in the Local Centre.

Lidl undertook their own consultation with the local community in relation to their revised proposals and submitted a Community Consultation Statement with their planning application describing the process in detail. Their consultations included:

- the distribution of a leaflet to around 7,400 households in the area surrounding the site;
- press releases;
- the development of a project website; and
- holding a public exhibition in relation to the proposals.

Lidl note that their community consultation demonstrated significant support for the redevelopment of the site to provide a replacement foodstore, with the vast majority of responses both in favour of the proposals (94%) and in support of the design and layout of the proposed store (92%).

PLANNING ASSESSMENT

Policy Context

The majority of the application site lies within a designated Business Area as defined in the UDP. Policy IB9 of the UDP (Conditions on Development in Industry and Business Areas) requires new development in such areas to be well designed with buildings of a scale and nature appropriate to the site. It also advises that new development should not cause residents to suffer from unacceptable living conditions.

The pair of semi-detached houses in the north west corner of the site proposed for demolition are located on the edge of a designated Housing Area. Policy H14 of the UDP (Conditions on Development in Housing Areas) states that development should not threaten the residential character of the area and that new buildings should be well designed, in scale and character with neighbouring buildings, and should not deprive residents of light, privacy or security.

More generally, Policy CS74 of the Core Strategy (Design Principles) expects high quality new development which respects, takes advantage of and enhances the distinctive features of the city including the townscape of its neighbourhoods. It states that development should also contribute towards creating attractive, sustainable and successful neighbourhoods and help to transform the character of physical environments that have become run down and are lacking in distinctiveness.

The application site is located within the boundary of the Manor Neighbourhood Development Framework (NDF), which covers the neighbourhoods of Upper Manor, Lower Manor and Castlebeck. The Manor NDF was approved and adopted as a material consideration by Cabinet in October 2007 and is intended to guide physical changes and public investment in the area over a 10 year period.

One of the main aims of the Manor NDF is to create a more mixed-income community by attracting new people to live in the Manor and integrating new residents with the existing community, in such a way as to address the needs of the existing community and the isolation that some particularly disadvantaged people and groups suffer from.

The NDF admits that challenging negative perceptions is going to be difficult and turning around the fortunes of the Manor is going to need a strong 'brand' and powerful marketing. The challenge for this plan is to guide and co-ordinate investment in the area to ensure that the Manor becomes a more desirable place to live.

The application site is identified in the Manor NDF as a key node and gateway location which needs to be strengthened. It notes that, when approaching the area from the north, there is no sense of arrival, key buildings are removed from the road frontage and nearby two-storey housing is of average quality and fails to provide an appropriate sense of enclosure.

Design and Access

Key issues with the previously refused planning application for a replacement store were its failure to respond to the Prince of Wales Road and Castlebeck Road frontages in a sufficiently positive manner. This was exacerbated by the loss of the two semi-detached houses which front onto Prince of Wales Road and their replacement with a new electricity substation. Moreover, the proposed materials were not considered to reflect local character or to be of sufficient quality.

Prior to the submission of the current proposals, Lidl explored a number of alternative options for the development of a new store, including a store at the very northern end of the site. Whilst the latter could have provided a positive and robust response to the street frontages and fulfilled the Manor NDFs requirement to reinforce this key node and gateway location, it was constrained by Lidl's standardised layouts (Lidl is a deep discount retailer that saves money by standardising the layout and construction of their stores and then passes the savings on to their customers). It also raised a number of practical issues including less car parking and awkward servicing arrangements. As a result this option had to be discounted.

The proposed replacement store is located in a similar position to the existing building, but it has a much larger footprint and has been pushed as far north as is practicable in order to increase its presence onto Prince of Wales Road and Castlebeck Avenue. The monopitched roof has also been handed, with the highest point now closer to Prince of Wales Road, which again enhances its presence at the junction of Prince of Wales Road and Castlebeck Avenue.

As before, the proposed new store incorporates white render, large format silver cladding panels and an aluminium standing seam clad mono-pitched roof. Good sized red brick piers break up the white render at ground level into panels along each elevation whilst the north facing front elevation of the store now incorporates contemporary full height glazing in order to provide a much more attractive shopping environment and increase levels of natural light inside the store.

The majority of the building will be used for retail sales. The remainder of the ground floor of the store will include a stock warehouse, freezer room, bakery, manager's office, staff room and toilets, with a staff training facility provided at first floor level. The increase in net sales floorspace, over and above the existing store, is 641 square metres. This, Lidl says, allows them to display their goods more effectively, enhancing the operational efficiency of the store and providing a more spacious and attractive shopping environment for customers.

The existing car park would be extended and re-arranged and, as amended, a new stepped and landscaped pedestrian route created at the north west corner of the car park adjacent the junction of Castlebeck Avenue and Prince of Wales Road. The existing pedestrian access from Castlebeck Avenue would be renewed and a landscaped strip, which will incorporate trees, bounds the car park around the perimeter of the site.

In contrast to their last submission, the applicant has willingly explored all options for the site and, whilst not dramatically different to the refused scheme the currently proposed replacement store is much improved. In particular design changes to the roof and front elevation, and pushing the footprint northward, has given the store greater street presence on this key gateway site. The redesign of the front elevation of the store and the introduction of full height glazing also gives the development a feeling of improved quality, while the relocation of the electricity sub-station removes visual clutter and allows for greater landscape improvements (in addition to removing any impact on health implications).

Sustainability

Policy CS63 of the Core Strategy (Responses to Climate Change) seeks to reduce the city's impact on climate change through a variety of measures including the promotion of developments in easily accessible locations, encouraging walking,

cycling and the use of public transport, designing development to increase energy efficiency, reduce energy consumption and minimise waste, and promoting developments that generate renewable energy.

Similarly, policy CS 64 (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably and advises that all new developments over 500 square metres gross internal floorspace should achieve a BREEAM rating of 'very good' and encourages the use of green roofs as a sustainable drainage technique.

Policy CS 65 (Renewable Energy and Carbon Reduction) also requires new developments to provide 10% of their energy needs from decentralised and renewable or low carbon energy.

These requirements are also embodied in 'Climate Change and Design' a supplementary planning document (SPD) which forms part of Sheffield's Development Framework and which was adopted in March 2011. In addition, Guideline CC1 of the SPD says that, provided they are compatible with other design and conservation considerations, and where viable, green roofs will also be required on all larger developments and encouraged on all other developments.

The store is directly linked, via a stepped pedestrian route, to the adjacent bus stop on Castlebeck Avenue and an additional pedestrian route from Prince of Wales Road has been incorporated into the scheme which improves the link between the store and the nearby Local Shopping Centre. In addition, a covered shelter for cycles is provided close to the store entrance.

The applicant has submitted a report prepared by Nathaniel Lichfield and Partners which sets out the sustainability principles incorporated into the development. Amongst other things, the report describes Lidl's commitment to using 'green' materials, to exceeding the minimum Building Regulations standards for thermal performance and so reducing the heating requirements of the building, and to using energy efficient heating and lighting systems.

Lidl will produce a Site Waste Management Plan to demonstrate how waste will be managed during the construction phase of the development. This will include recycling waste where possible. Lidl has also developed an Integrated Waste Management Policy for their stores, in order to maximise waste reduction.

Lidl also commits to undertaking further investigations to assess the capabilities of a range of decentralised and renewable or low carbon energy sources to provide a proportion of the site's energy needs, if feasible and viable. A condition is therefore proposed requiring details of how a minimum of 10% of the predicted energy needs of the of the completed development being obtained from decentralised and renewable or low carbon energy.

Residential Amenity

The proposed development involves the demolition of numbers 322 and 324 Prince of Wales Road and the extension of the car park close to the boundary of 320 Prince of Wales Road. This part of the site lies within a designated Housing Area and Policy H14 of the UDP (Conditions on Development in Housing Areas) states that development should not threaten the residential character of the area or lead to air pollution, noise, smell or other nuisance to people living nearby.

The extended car park is considered to be a less suitable neighbour than the existing dwellinghouse in terms of maintaining the residential character of the area and it will clearly impact upon the outlook of the occupier of number 320. However, a 2 metre high close board fence will be erected along the common boundary between number 320 and the extended car park. This will be supplemented on the car park side by a 2 metre wide landscape strip which, it is envisaged, will allow the planting of a substantial green screen. On this basis it is considered that potential noise and fumes from vehicles using the car park would not significantly harm the amenities of the occupants of number 320 Prince of Wales Road.

In order that noise from the service and delivery bay on the western side of the new store does not harm the amenities of occupants of dwellinghouses facing onto Prince of Wales Road, the installation of a 3 metre high acoustic fence along the western site boundary, adjacent Bonsall Lane, is reserved by condition. This will also provide some visual screening to the store, though the rear elevations of properties fronting prince of Wales Road are approximately 27 metres from the boundary of the site. A condition is also proposed restricting opening and servicing hours so that noise will not disturb neighbours during the night time hours.

Highway Issues

As the proposed store projects further to the north of the site, it is proposed to move the position of the vehicular access to the car park approximately 10m to the north. This should have no adverse impact on the adjoining highway network.

Unfortunately, replacing the existing store with a new one in a similar location limits the applicant's ability to address the dangers caused by the sharing of the customer and service access. It is considered that customers having to cross the delivery vehicle route to access the store when a delivery vehicle is driving forward or reversing is detrimental to pedestrian safety and would ideally be avoided. However, as Lidl states that the new store will only have one delivery a day, and as the site could not accommodate a separate service access, the shared access is not considered to be sufficient reason to refuse planning permission, particularly as the potential dangers could be prevented if deliveries are managed appropriately.

Therefore, a condition is proposed requiring the submission of a delivery management plan detailing the supervision of all delivery operations.

SUMMARY AND RECOMMENDATION

As described above, the amended proposals for a replacement food retail store at the junction of Prince of Wales Road and Castlebeck Road are considered to respond sufficiently to the issues raised by the previously refused scheme. Though perhaps not ideal, changes to the design and location of the store address the need for a more positive presence on this key gateway site. Amenity issues have been addressed, in particular the electricity substation has been moved away from residential properties, and subject to the management of deliveries, it is felt that the shared access to the site should not be a danger to pedestrian safety. It is therefore recommended that Member grant planning permission subject to the proposed conditions.

Case Number	14/02725/FUL
Application Type	Full Planning Application
Proposal	Application to vary condition 19 (opening hours) to agree permanent opening hours until 0130 hours on Thursdays, Fridays and Saturdays and Sundays before Bank Holidays, and until 0030 hours on Mondays, Tuesdays, Wednesdays and Sundays other than before Bank Holidays (Application under Section 73 to vary condition 19 (opening hours) as imposed by planning permission 06/00412/FUL)
Location	Maggie May's 23 - 27 Trippet Lane Sheffield S1 4FG
Date Received	14/07/2014
Team	City Centre and East
Applicant/Agent	Thatone Limited T/A Maggie May
Recommendation	Grant Conditionally

Subject to:

- 1 The development must 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 and in order to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

- 2 Notwithstanding the drawings hereby approved and before the development is commenced further revised details showing the following shall have been submitted to and approved by the Local Planning Authority
 - (a) Improved masonry articulation to the central bay of the main façade to Trippet Lane
 - (b) Introduction of glazing to the façade above the main entrance between Nos 23 and 27
 - (c) Full construction detail of the black slate cladding to the ground floor of the Trippet Lane façade and string course above
 - (d) Replacement of pressed metal fascia beneath the black slate cladding with brickwork or stone work infill panels

- (e) Improved articulation of main grouped windows through use of deeper mullions and transoms
- (f) Improved emphasis to central bay windows using visually stronger frames
- (g) Improved quality and colour of cladding to upper level

Reason: In the interests of the visual amenities of the locality.

- 3 Before the development is commenced, full details of the following external materials shall have been submitted to and approved in writing by the Local Planning Authority:

- (a) Facing bricks
- (b) Roofing slates
- (c) Eaves details
- (d) Heads and sills to windows
- (e) External panelling
- (f) Balconies

Reason: In the interests of the visual amenities of the locality.

- 4 The facing brickwork shall not be constructed except in accordance with an approved sample panel, which shall have been erected on site and shall have received the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

- 5 No building on the site shall be demolished nor works carried out (except for those works specified the Method Statement dated 24 November 2004 by Capita Symonds) before evidence of a binding legal contract for the redevelopment of the site has been submitted to and approved by the Local Planning Authority, and before planning permission has been granted for such redevelopment.

Reason: In order to enhance the setting of the listed building.

- 6 Before the development is commenced full details of the proposed external works (including retention of existing stone flags, kerbs, steps, and cellar heads and reinstatement of the footways in Sheffield Slab and granite kerb) shall have been submitted to and approved by the Local Planning Authority.

Reason: In order to enhance the setting of the listed buildings.

- 7 The development shall not be occupied unless the large rear windows to Flats 2, 3, 5 and 6 have been provided as shown on the drawings hereby approved, and such large rear windows shall thereafter be retained.

Reason: In the interests of the amenities of the locality and occupiers of the proposed dwellings.

- 8 The ground floor commercial unit shall not at any time be used as a shop (Class A1 of the Schedule to the Town and Country (Use Classes) Order 1987)

Reason: In order to protect shopping facilities within the Central Shopping Area in the city centre.

- 9 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound attenuation works has been installed and thereafter retained. Such 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 achieving the following noise levels:
Bedrooms: LAeq 15 minutes - 35 dB (2300 to 0700 hours),
Living Rooms: LAeq 15 minutes - 45 dB (0700 to 2300 hours),
- (c) Include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound attenuation 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 amenities of the future residential occupiers of the building.

- 10 Before the use of the building for Food and Drink purposes (Use Class A4) is commenced 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 Use Class A4 use to the street to levels not exceeding:
 - (i) the background noise levels by more than 1 dBA when measured as a 15 minute LAeq,
 - (ii) any octave band centre frequency by more than 1 dB when measured as a 15 minute Leq,
- (c) Be capable of restricting noise breakout from the Class A4 use to the flats above to levels complying with the following:
Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours),
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),

(These Noise Rating Curves should be achieved for every measurement period when measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz).

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.

- 11 Before the use of the building for the purposes hereby permitted is commenced, written confirmation shall be given to the Local Planning Authority that the approved scheme of sound attenuation works has been installed in the building in full.

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

- 12 Before the use of the development is commenced a Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local planning Authority. Such Validation Test 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 the interests of the amenities of the locality and occupiers of adjoining property.

- 13 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.

- 14 No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Local Planning Authority.

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

- 15 No movement, sorting, or removal of waste bottles, materials or other articles, nor movement of skips, shall be carried on outside the building within the site of the development between 2300 hours and 0700 hours Monday to Saturday and 2300 to 0900 Hours Sundays and Public Holidays.

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

- 16 No deliveries to the building shall be carried out between the hours of 2300 to 0700 hours Monday to Saturday and 2300 to 0900 hours Sundays and Public Holidays.

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

- 17 The fire exit doors shall only be used as an emergency exit and shall not at any other time be left standing open.

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

- 18 All opening windows/shutters shall be kept closed between 2000 hours and 0700 hours, and shall not at any time be opened otherwise without the prior written approval of the Local Planning Authority.

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

- 19 The ground floor bar unit shall be used in accordance with the following restrictions:

a) The premises shall be used only between 0800 hours and 0030 hours the following day on Sundays to Wednesdays.

b) The premises shall be used only between 0800 hours and 0130 hours the following day on Thursdays, Fridays, Saturdays and Sundays immediately before a Public Holiday.

c) After 2300 hours on each day, and until commencement of the operation on the following day, customers shall not enter or leave the ground floor unit unless through the door to Holly Street except in an emergency.

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

- 20 Prior to the use commencing, full details of a system of fume extraction shall be submitted to and approved in writing by the Local Planning Authority. This system shall provide a flue terminating 1 metre above the sixth floor window level and shall be fitted with a low resistance cowl.

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

- 21 The development shall not be used unless at least 25% of the residential accommodation has been provided with Mobility Housing facilities consisting of the following:

- (a) Single doors giving 800 mm clear opening width, within a 900 mm structural opening,
- (b) Any double doors giving 800 mm clear opening width to each door leaf, all set within an 1800 mm structural opening
- (c) Staircases to ambulant disabled standards
- (d) Corridors 1200 mm wide
- (e) Easy access facilities to shower units for people using wheelchairs.

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

- 22 The Food and Drink unit shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

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

- 23 Before the development is commenced, details of Public Art work forming part of the development shall have been submitted to and approved by the Local Planning Authority and the development shall not be used unless such Public Art work has been provided as approved and thereafter retained.

Reason: In order to enhance the development in line with the Council's public Art Scheme.

- 24 Before the development is commenced, a Phase 1 and Phase 2 Risk Assessment, to characterise the contamination on site and propose a remediation scheme to ensure safe redevelopment, shall have been submitted to and approved in writing by the Local Planning Authority. Should any previously unsuspected contamination be encountered during the development, the Local Planning Authority shall be notified within one working day of its discovery, together with any proposed amendments to the proposed remediation scheme. The development shall then be carried out in accordance with the approved scheme and the applicant shall provide written verification that the remediation has been completed as approved, within 21 days of the approved scheme being completed.

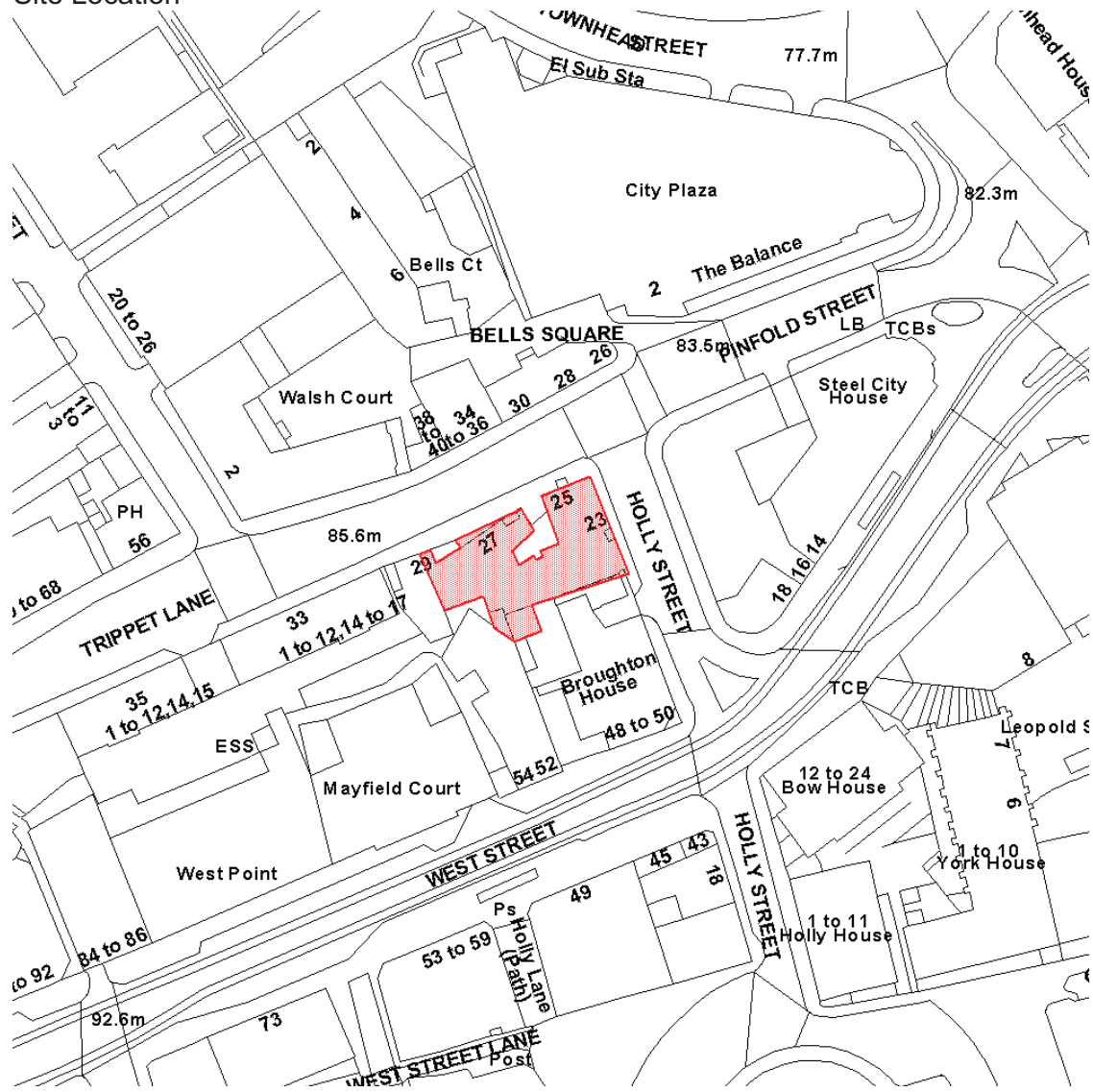
Reason: In the interests of the health and safety of the occupiers of the proposed development.

- 25 No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- Reason: To ensure that any archaeological remains present, whether standing or buried, are preserved - either by being left in situ or recorded and removed in accordance with an agreed method, before they are damaged or destroyed.
- 26 The development shall not be occupied unless the adjoining footways have been extended to 2m width minimum and marked on the ground in accordance with details, which shall have received the prior written approval of the Local Planning Authority.
- Reason: In the interests of traffic safety and the amenities of the locality.
- 27 Before the development is commenced further details of cycle parking provision shall have been submitted to and approved by the Local planning Authority, and the development shall not be used unless such cycle parking accommodation has been provided in accordance with such approved details which shall thereafter be retained.
- Reason: In the interests of sustainable transport.
- 28 Before the building is occupied a proposal to incorporate interpretive information about the history of the buildings within the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved interpretive information shall be implemented on site within an agreed timescale.
- Reason: In the interests of public amenity.
- 29 The new build part of the development shall not be occupied until Nos 23 and 27 Trippet Lane have been rebuilt and made ready for occupation.
- Reason: In order to protect the original fabric of the building and the character and appearance of the Conservation Area.

Attention is drawn to the following directives:

1. The applicant is advised that condition Nos. 1-18 and 20-29 were imposed by planning permission No. 06/00412/FUL and are reproduced on this notice to provide you with a complete record of all conditions, regardless of whether some may have already been discharged.
2. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

Site Location



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LOCATION AND PROPOSAL

This application relates to a ground floor bar (Maggie Mays) located on Trippet Lane and Holly Street in the City Centre. At present the unit must close at 00:30 hours and the applicant is seeking to vary Condition 19 in order to operate between the following hours on a permanent basis:

- 08:00 hours to 00:30 hours the following day on Sundays to Wednesdays.
- 08:00 hours to 01:30 hours the following day on Thursdays, Fridays, Saturdays and Sundays before bank holidays.

The applicant is also seeking another alteration to Condition 19 to allow dancing between the hours of 00:30 and 01:30.

There are a number of residential units in and around the bar, including on the upper floors of this listed building and adjacent in Broughton House (at the junction of West Street and Holly Street). West Street is located approximately 35 metres to the south.

The site is located within a Fringe Industry and Business Area as defined by the adopted Sheffield Unitary Development Plan (UDP).

RELEVANT PLANNING HISTORY

Condition 19 was originally imposed in 2006 (06/00412/FUL) and formed part of a wider application for partial demolition, conversion and erection of a 7 storey building to form drinking establishment (Class A4) and accommodation for 87 persons in 13 shared flats. Condition 19 read as follows:

The ground floor unit shall not be used except between 0900 hours and 0130 hours on any day in accordance with the following:

- (a) Between 0030 and 0130 hours on Mondays, Tuesdays, Wednesdays and Sundays other than before Bank Holidays the unit shall not be used for any purpose.
- (b) Between 0030 and 0130 hours the unit shall not be used for dancing.
- (c) Between 0030 and 0130 hours no amplified sound shall be played in the unit without prior written approval from the Local Planning Authority of the sound volume.
- (d) After 2300 hours on each day, and until commencement of the operation on the following day, customers shall not enter or leave the ground floor unit unless through the door to Holly Street except in an emergency.

(e) The unit shall not be used for any purpose after 0030 hours after the expiry of a period of 3 years from the commencement of its use or occupation of the first residential unit within the development, whichever is the sooner.

Subsequently two applications have been approved to extend the opening hours for a temporary period. The most recent application was approved under reference 11/03580/FUL and allowed opening hours until 01:30 on Thursdays, Fridays, Saturdays and Bank Holiday Mondays for a twelve month period.

SUMMARY OF REPRESENTATIONS

5 Representations have been received from residents and letting agents associated with Broughton House. This property is set to the south of the bar and fronts West Street. A further representation has been received from the student accommodation set above the bar. These representations state that the existing premises/customers create undue noise and anti-social behaviour for surrounding residents. This includes:

- People smoking and drinking in the street and car park entrance to Broughton House, which is located on Holly Street.
- Music from the bar when people are coming and going.
- Litter.
- The extended hours will affect the ability of residents to sleep.

PLANNING ASSESSMENT

Impact on Residential Amenity

Sheffield Unitary Development Plan (UDP)

Section b) within Policy IB9: Conditions on Development in Industry and Business Areas within the UDP states that new development or change of use applications should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

City Centre Living Strategy (CCLS)

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

Interim Planning Guidance on Night Time Uses (IPG)

The IPG aims to find an appropriate balance between city centre living and a vibrant night-time economy, in order to ensure a successful city centre in both

senses. This document was approved by Cabinet in 2005 and identifies two areas of 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 such area and must therefore be judged on its individual merits.

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.

In considering this application the impact of the proposed increase in the opening hours on the amenity of surrounding residential occupiers is the primary concern.

Given the large number of residential units in the immediate area and as the bar is not on one of the principle streets for late night uses, such as West Street, it was considered reasonable to apply more restrictive opening hours than are evident in other locations. In this respect 00:30 was considered to be a reasonable hour, given that the IPG advocates this in areas with high residential amenity value.

When considering two subsequent applications to extend the hours of opening to 01:30 hours on Thursdays, Fridays, Saturdays and Sundays before Bank Holidays, it was considered reasonable to allow this for temporary periods of twelve months. The rationale behind temporary extensions is to allow a better understanding of whether operating the unit later into the night would suitably protect the amenity of surrounding residents.

In relation to these extensions of time and the continuing operation, the Council's Environmental Protection Team has confirmed there have been no complaints in relation to noise breakout or general noise and disturbance from the venue since 2010. In addition, the unit is in close proximity to West Street (35 metres to the south), which does already create relatively high background noise levels.

Clearly there have been representations from residents in relation to this proposal and concerns generally relate to noise and disturbance outside the venue. These matters have been discussed with the applicant who denies any of the activity in and around Broughton House is associated with Maggie Mays. Given the lack of recorded complaints, it seems likely such instances are currently minimal. In addition, if matters such as drinking and smoking in the street do proliferate these can be tackled through the licencing process.

A further factor to consider is the former Cabanas bar/restaurant set directly across Trippet Lane. Although this venue has recently become a restaurant it has had planning permission to open during the same hours that are currently being applied for here since 2006. This results in people already being in and around the area until 01:30 hours.

The element of the condition limiting dancing after a certain hour is excessively restrictive and would be extremely difficult to enforce. As music breakout from the venue is controlled there is considered to be no need for such a condition.

RESPONSE TO REPRESENTATIONS

No evidence has been provided demonstrating that litter is being created as a result of this operation. This is more likely to occur from a hot food takeaway operation.

The venue has acoustic lobbies and no complaints have been made to the Council's Environmental Protection Service to suggest noise breakout is a problem. In addition planning conditions are in place restricting noise breakout from the venue so if this problem is evidenced in the future action can be taken.

SUMMARY AND RECOMMENDATION

Given the lack of recorded complaints, instances relating to general noise and disturbance in the street appear minimal. In addition, the venue has acoustic lobbies and planning conditions are in place restricting noise breakout.

A further factor to consider is the former Cuban bar/restaurant set directly across Trippet Lane and the proximity of West Street. These add to the general background noise levels already evident in the area.

In light of the above the proposal is recommended for approval.

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