
Case Number	17/01148/FUL (Formerly PP-05919039)
Application Type	Full Planning Application
Proposal	Retention of existing cafe and extensions to form toilets and storage area including changes to opening times to 07:00 to 23:30 on two occasions per month for functions/events (Amended Plans and Description)
Location	Stannington Park Stannington Road Sheffield S6 6BX
Date Received	16/03/2017
Team	West and North
Applicant/Agent	Mr M McGrail
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:

Dwg No: 201 rev A - Site Plan (proposed) received 6th December 2017
Dwg No: 203 - Proposed Planning (floor plan) received 6th October 2017
Dwg No: 202 - Proposed Planning (elevations) received 6th October 2017

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)

Other Compliance Conditions

3. The building shall be removed on or before the 19th December 2022.

Reason: In the interests of the amenities of the locality owing to the design and external appearance of the mobile building.

4. The building shall be used for the above-mentioned purpose only between 0700 hours and 1800 hours on any day except on two separate occasions per calendar month (inclusive of Temporary events notice [TENS]) when the building can be used between 0700 hours and 2330 hours.

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

5. No amplified sound or live music shall be played within the cafe at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

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

6. The outside seating areas shall only be used between 0700 hours and 1800 hours on any day.

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

7. The bi-fold door glazing systems serving the outdoor areas of the premises shall remain closed from 2000 hours on all days, save for access and egress or in case of emergency.

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

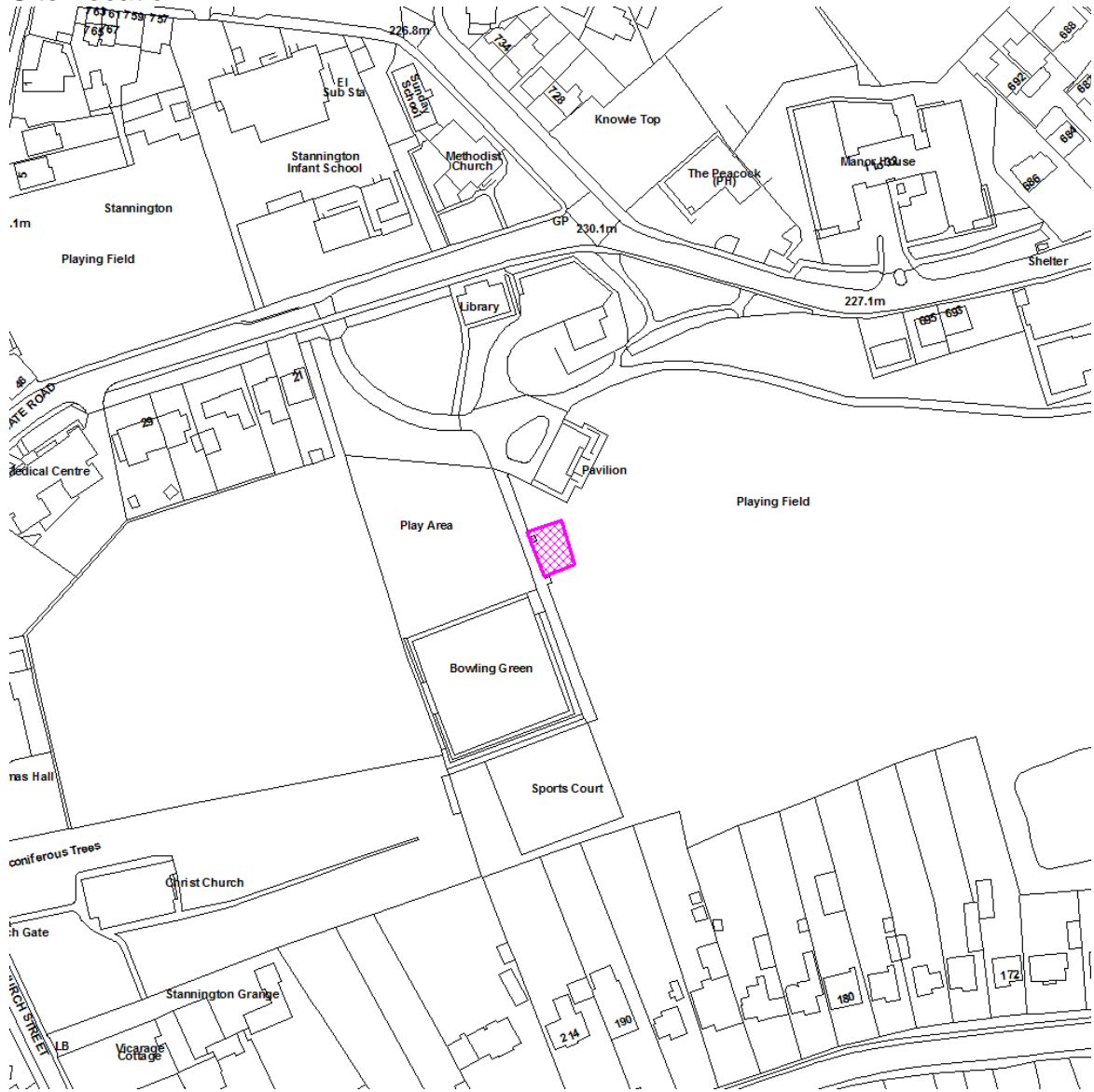
8. Within 1 month of the date of this decision a suitable receptacle for the disposal of litter shall have been provided outside of the premises and thereafter retained at all times during the opening hours authorised by this consent.

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

Attention is Drawn to the Following Directives:

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

Site Location



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INTRODUCTION

This application was previously presented to planning Committee on the 19th December 2017. The application was deferred from the previous committee in order that the applicants could give consideration to amending the proposal to remove the request to operate the café until 2330 hours on two occasions per month. The applicant has requested that the application is reconsidered by members based on the hours of use originally proposed.

The Councils Parks and Countryside department who originally agreed the terms of the lease (separate from the planning consent) of the café have written in support of the application. Parks and Countryside's comments are summarised in the representations section of this report.

LOCATION AND PROPOSAL

This application relates to an existing café building (Reserved Café) which is located at the western end of Stannington Park adjacent to the Children's play area.

Two previous planning consents have been granted for a café building on this site in 2010 and 2014. Both previous planning consents were time limited due to the temporary nature of the building. The latest consent expires on the 6th February 2019.

This application seeks permission for the following;

- Renewal the planning consent for the cafe,
- Extensions and minor alterations to the café building to provide storage facilities and publically available toilet facilities,
- Alterations to the hours of opening of the café until 2330 hours on two occasions per calendar month for functions/events.

The site is located in Stannington Park which is an allocated Open Space Area as defined in the adopted Sheffield Unitary Development Plan.

RELEVANT PLANNING HISTORY

10/03480/FUL – Erection of log cabin style building to form cafeteria – Granted Conditionally.

13/04166/FUL - Siting of pre-fabricated building to form cafeteria (Email received 04/02/2014) – Granted Conditionally.

SUMMARY OF REPRESENTATIONS

The application was advertised by way of neighbour letter and site notice.

A total of 22 Letters of representation were received during the first round of public consultation (April 2017) including comments from Loxley Valley Protection Society (LVPS) and Bradfield Parish Council. The issues raised are summarised as follows:

20 representations in objection

- The extension will result in the loss/reduction in publicly owned park/recreation space paid for by the tax payer for the benefit/profit of a privately owned business.
- The current café does not enhance the park and the extended building will become an eyesore and is not in keeping with the park or local area.
- Outside seating associated with the cafe encroaches into the park area and if the extension is allowed the café will take up most of the top end of the park.
- Increase in littering which is already a problem.
- Events already take place (beyond its hours of use restrictions) and extensions to the premises and its hours of use will increase the numbers of people who can use the venue causing noise and disturbance issues.
- The inclusion of a bar on the plans indicates that the café will be selling alcohol causing noise and disturbance issues.
- Increase noise and disturbance from people smoking and using the outside terrace areas in the evening.
- If allowed to grow and change the establishment would be more akin to a nightclub/public house which would impact on one of the few remaining green and safe spaces for local youngsters.
- Reduction in public amenity/recreation space in the park
- There are other licensed premises in the locality already.
- Secure gates should be fitted to the play area to prevent late night revellers spilling out of the café and into other areas of the park.
- Loud music has been heard coming out of the premises.
- Lack of adequate parking facilities – the existing 8 car parking spaces in the park are already used by a multitude of different users of the park and increase capacity of the café will increase demand for parking.
- Increased use of the access road into the park endangers pedestrians. Measures required of the applicant to minimise the impact of vehicles accessing the site.
- Servicing issues damage verges.
- Potential for public nuisance issue to arise from unsupervised use of the public toilet.
- Safeguarding issues will arise as children cannot be adequately supervised using different parts of the park due to the position of the building.
- The café provides a screen to potential antisocial behaviour.

Loxley Valley Protection Society (LVPS)

The concerns of local residents are shared by LVPS particularly that of possible noise & disturbance if opening hours are extended & alcohol is permitted on a bring your own basis; and the suitability of a public park with limited parking facilities to support such an enterprise. If permitted the extension should be constructed and be of a temporary nature.

1 neutral representation from Bradfield Parish Council

No objections to this planning application providing that all planning rules are followed; however there are concerns regarding the loss of open recreational space.

If the application were to be approved the Parish Council would suggest that the toilet facilities should be open to park users.

1 representation in support

The café is a welcome addition and will be improved further by the provision of toilets.

In relation to the amended plans 17 letters of representation (in objection) were received following a further round of public consultation undertaken in October 2017 including comments from LVPS and Councillor Penny Baker. The issues raised are summarised as follows:

- No objection to 1800 hours opening however extending the opening hours until 2330 hours would not benefit the local community and could potentially cause disturbance.
- There is no necessity for any further expansion of the cafe or its opening hours.
- This cafe is not an asset to the village and is restricting the open space in the village.
- Extending the café would lead to the loss of additional green space.
- There is a children's playground right next to the café, this area should be for children and not for the commercial benefit of the cafe owner.
- Potential for broken glass, bottles and litter on the playing fields near to the children play area.
- There is insufficient lighting or security for the opening hours to be extended.
- Concerns with the potential to serve alcohol in the premises as this will cause noise and disturbance issues.
- The premises lie in an elevated position within the park, not far from residential properties and longer evening opening hours with general cafe/bistro use would cause noise and potential disturbance to neighbouring residents.
- Increased storage will lead to a larger premises and increased impact on local residents.
- A small village park is not the ideal location for this establishment and there are already other established food and drink facilities in the locality.
- The driveway to the park is badly damaged with potholes and the grass verges are very muddy.
- Existing park entrance is becoming dangerous with the additional traffic.
- Lack of lighting on the park access gives rise to safety concerns for pedestrians.
- The public have not been informed or consulted on the proposal to extend the original planning consent for a further 5 years. As such the application should be deferred from the planning committee until details with regard to the planning consent are clarified.

LVPS

- Loxley Valley Protection Society supports the neighbour objections to the extension of the cafes opening times, for all the reasons given.
- Peoples' views would possibly be more accommodating if it was to cater for increased day time trade rather than the more controversial evening events.

- The building should remain temporary and not permanent. If permission were to be granted this should only be done on a temporary basis when the impact of the operations could be reviewed.
- A private enterprise operating in a public open space creates conflict and is not a suitable location for expansionist capitalism when there are plenty of other restaurant locations in the city, situated where they are more convenient for both customers and residential areas. For this reason we feel the extension of hours & retention beyond a given date should be refused.

Councillor Penny Baker

It is inappropriate for this development within the park which is adjacent to the children's playground.

Following the deferment of the application from the 19th December Committee the Councils Parks and Countryside Service who agreed a lease for the premises with the applicant have written in support of the application. The issues raised are summarised as follows;

- The extension to the Reserved CB will bring much needed toilet facilities into Stannington Park and also provide additional storage for the café.

- Parks would like the hours of opening authorised by planning brought in line with the 'required opening hours' identified in the lease. The 'required opening hours' specified by Parks in the lease are a minimum and not a limitation on opening as identified below:

The lease states that the business must be open and operational (which shall be a minimum and not a limitation) from:

1st April to 30th September (inclusive) every day between 9.00am and 6.00pm and;

From 1st October to 31st March (inclusive) everyday (except Christmas day, Boxing day and New Years day) between 10.00am and 4.00pm.

The premises shall not open later than 11pm at any time subject to any restriction imposed by the planning authority.

- There is no licence in place for the café to sell alcohol and the Lessee has always contacted Licencing and ourselves if they wanted to provide a '*bring your own*' or supply alcohol during a 'Bistro Night', on these occasions a Temporary Events Notice has been applied for through Sheffield City Council's Licencing Section and granted. The Lessee has stated they do not wish to have a full licence to sell alcohol with any sale related to specific events.

- Since opening over a year and half ago, Parks have had very positive feedback and Parks are now using Reserved Cafe as an example of new entrepreneurial operators within Sheffield Parks and Open Spaces.

PLANNING ASSESSMENT

Policy Issues

The café is in an allocated Open Space Area as defined in the adopted Sheffield UDP. The principle of siting a temporary café building on a small area of open space within Stannington Park has been established by the previous and extant planning consents on this site. This application seeks permission to retain the café for a further 5 year period and extend the existing building to provide additional storage space for the cafe and a publically available toilet for the users of the café and park.

The extensions to the café would not lead to the loss of any formal sports pitch provision, however the extensions and alterations to the building would lead to the loss of a small area of open space adjacent to the existing building which comprises of amenity grassland. Core Strategy Policy CS47 part (g) identified that development which results in the loss of open space will only be permitted where the development would be ancillary to the open space and have minimal impact on the use or character of the open space.

The café is an established ancillary facility to the park and the modest extension would take up only a very small additional area of land (approximately 7 m by 6 m). The ancillary seating area to the front of the building is occupied by tables and chairs that are moveable and therefore does not result in any permanent loss of open space. As such the proposal would not lead to the loss of a significant area of the open space within the park which would detrimentally affect its character or the primary use of the park as a recreational facility. The extensions/ alterations are ancillary to the main café building and the publically available toilet facilities would be beneficial to users of the park. In light of the above the proposal is considered to accord with policy CS47 (g).

Design Issues

CS47 part (g) seeks to ensure that development permitted in open space areas should have a minimal effect on the character of the open space and Policy LR5 part (g) of the UDP identifies that development will not be permitted if it would harm the character or appearance of a public space.

The existing café is constructed from converted shipping containers which are clad with vertical cedar boarding. The proposed extension will be attached to the southern side of the existing building and is proposed to be constructed of three shipping containers which will be timber clad in order to form a seamless extension of the existing building. An extended terrace area is provided to the front of the building in order to facilitate access to the extension and existing café and the ancillary outside seating area is read in the context of the building.

The existing building does not occupy a particularly prominent position when viewed from the adjoining public highways (Stannington Road and Uppergate Road) due to being located behind the existing single storey pavilion building which is located immediately to the north of the application site. Within the park itself the café building is visible, particularly from the east, however the building is now an established

feature within the park and the modest extensions and alterations to the existing building are not considered to significantly increase the visual impact of the structure.

When approaching the site from the east the existing café and proposed extension will be seen against the back drop of a high hedge, fence and existing structures of similar scale which form part of the bowling green facilities located immediately to the rear of the site.

In light of the above the proposal is considered to be acceptable from a design perspective and is not considered to detrimentally affect the character and appearance of the park. The proposal therefore accords with policy CS47 of the Core Strategy and LR5 of the UDP.

Amenity issues

Policy LR5 part (k) seeks to ensure that development in Open space areas would not be incompatible with surrounding land uses.

The existing café is a standalone structure and due to its location within the park the existing building and the proposed extensions and alterations are not considered to give rise to any overshadowing or overbearing issues.

The extensions accommodate additional storage and toilet facilities and no major changes are proposed to the internal layout of the existing café which would result in the capacity of the building being increased. There will be some increased seating capacity on the terrace area to the front of the building, however this will be minimal as the terrace area primarily facilitates access to the existing café and the new storage and toilet extension. A small ancillary seating area is provided on the grass to the front of the building the use of which will be restricted to the day time (0700 to 1800 hours) only.

In accordance with condition 4 of planning application ref: 13/04166/FUL the existing café is permitted to operate between 0700 hours and 1800 hours 7 days a week. The applicant is seeking to retain the existing day time operating hours, however on two occasions per calendar month permission is sought to extend the opening hours until 2330 hours to cater for events including bistro evenings.

The site benefits from existing dedicated (vehicular and pedestrian) access points off Uppergate Road and Stannington Road which customers of the premises would use minimising any potential for noise and disturbance to occur from customers coming and going from the premises in the evening.

The application site is located approximately 70 metres from the boundary with the closest residential properties which are located on Uppergate Road. These properties are separated from the site by the existing play area and some established mature tree planting on the periphery of the park. There will be some increased activity in the evening at the venue as a result of the proposed extended opening hours, however taking account of the separation distance between the site and existing residential properties, the proximity of other established commercial uses (The Peacock) which currently operate until late in the evening, and the fact

that the evening opening will be limited to only two occasions per calendar month; the proposed extended opening hours are not considered to give rise to any significant noise and disturbance issues which would detrimentally affect the amenity of residents.

Furthermore conditions are recommended to be imposed to prevent noise breakout from the building and prevent the use of the outside seating areas in the evening to further minimise any potential disturbance.

In light of the above the proposal is considered acceptable from an amenity perspective and accords with policy LR5.

Highways

The site is in a sustainable location within easy walking distance of established residential areas. The café due to its limited scale is considered to primarily be a local facility and as such a large majority of people using the premises will arrive on foot and use the café as part of a linked trip to the park, children's play area or other existing facilities in the locality including the library on the Uppergate Road. As such the existing café use is not considered to be a significant traffic generator itself. The extensions to the building comprise of storage and toilet facilities and are therefore not considered to generate a substantial numbers of additional customers which would give rise to any highways concerns.

The park benefits from a number of dedicated pedestrian access points and an established vehicle access from Uppergate Road which leads to a small shared use car parking area that includes disabled car parking provision. Should customers arrive by car it is considered that any parking demand that is specifically generated by the use could be reasonably accommodated within the existing parking area or on the adjoining roads without harming highway safety.

In light of the above the proposal is considered acceptable from a highways perspective.

RESPONSE TO REPRESENTATIONS

The play area is separated from the facility by a public footpath and is already securely enclosed with gates and railings.

The sale of alcohol is controlled by separate licensing legislation.

The applicants have confirmed in writing that there is no intention to operate a bar and any reference to such a use has been removed from the plans.

The applicants have confirmed that the toilet facilities will be open to the public during café opening hours; however the applicants have requested that the management of the toilets should remain the responsibility of the café operators and not made conditional of the planning approval.

The proposal will not significantly affect visibility between the main park area and the children's play area as the extensions are located to the south of the existing building.

It is not the Planning Authority's role to prevent competition between operators of commercial uses.

Issues raised regarding income derived from a commercial use located within a public park are not planning matters.

The building is constructed of shopping containers which require no permanent foundation and which can be removed from the site easily. Conditions are imposed to restrict the length of the planning consent due to the nature of the development.

There is no evidence to suggest that the existing use or extended opening hours will give rise to any antisocial issues and there is considered to be adequate separation between the building and the other uses within the park.

The use of the publically accessible toilets is to be managed and controlled by the applicant.

A condition will be attached requiring a bin to be provided outside of the premises during opening hours in order to prevent the spread of litter.

Maintenance of the park, its facilities and associated access to it is a matter for the landowner.

The description of development identifies that the proposal is for the retention of the existing café building. A 5 year time period has been specified due to the temporary nature of the building.

The comments made by the Councils Parks department in relation to the lease articulate that the hours of operation of the premises are subject to restrictions imposed by the planning authority.

All other matters are considered in the main body of the report.

SUMMARY AND RECOMMENDATION

Permission is sought to retain, extend and alter an existing café building within Stannington Park and extend its hours of operation on two occasions per calendar month until 2330 hours to hold events/bistro evenings.

The site is in an allocated Open Space area as defined in the adopted Sheffield Unitary Development Plan and the principle of locating a café building in the park is established by the previous and extant planning consents on the site. The proposed extensions and alterations to the existing building are small scale and will not result in the loss of a significant area of additional open space that would detrimentally affect provision of open space in the area or the character, appearance and function of the existing park.

The extended evening opening hours are limited to two occasions per month and taking account of the separation distance of the building from existing residential properties, the proposal is not considered to give rise to any harmful amenity issues and conditions are recommended to further control the operation of the café.

The proposed extensions do not significantly increase the capacity of the café and the site benefits from dedicated pedestrian and vehicle access points and a small shared use car park. As such the proposal is not considered to detrimentally affect highways safety.

In light of the above the proposed development is considered to comply with the relevant adopted Unitary Development Plan and Core Strategy Policies and the National Planning Policy Framework and it is recommended that Planning Permission is Granted Conditionally.

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