
Case Number	19/04536/FUL (Formerly PP-08362973)
Application Type	Full Planning Application
Proposal	Erection of 2x retail units (Use Class A1) and a cafe with drive-thru facility (Use Class A3), formation of associated access and parking
Location	Site of Former 2 The Common Sheffield S35 9WJ
Date Received	19/12/2019
Team	West and North
Applicant/Agent	Dovetail Architects Ltd
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:

Drawing No. 3964 PL01 site plan published 19.12.2020

Drawing No. 3964-PLO2K final proposed site plan/layout published 19.11.2020

Drawing No. 3964-PLO4A proposed elevations A1 unit adjacent The Common (Greggs) published 19.11.2020

Drawing No. 3964-PLO10 proposed floorplan for the A1 unit adjacent The Common (Greggs) published 19.12.2020

Drawing No. 3964-PLO5A proposed retail/trade unit floor plan (unit to the south-west of the site/rear) published 27.10.2020

Drawing No. 3964-PLO6A proposed retail/trade unit elevations plan (unit to the south-west of the site/rear) published 27.10.2020

Drawing No. 3964-PLO8 proposed floor plan for the A3 unit (Starbucks) published 19.12.2020

Drawing No. 3964-PLO3 proposed A3 unit (Starbucks) elevations plan

published 19.12.2020

Drawing No. XXX/X/XXX rev P1 proposed mechanical layout plan for the A3 unit (Starbucks) published 19.12.2020

Drawings for the Starbucks material data sheet published 19.12.2020

Drawings for the Starbucks typical DT plans published 19.12.2020

Drawing for the tree surveys published 19.12.2020

Drawing No. 3964-PL18 proposed site plan-tracking published 15.10.2020

Drawing No. 3964-PL19 proposed site plan-tracking published 15.10.2020

Reason: In order to define the permission.

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

3. 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 protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

4. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

5. 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 protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

6. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been

investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

7. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

8. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

9. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit

for purpose.

10. 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 completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. 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 and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

11. No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

12. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall also include details of:

- buffer zone landscaping and planting along the water-course.
- 2 bird and 2 bat boxes to be incorporated in to buildings and trees across the development.
- wildlife friendly lighting, making use of low intensity, low-level lighting,

avoiding upward, outward light-spill and completely avoiding illumination of the woodland, hedgerow and water-course.

- habitat piles, to be created utilising the dead-wood and brash found on site.

The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

Reason: In the interests of protecting the biodiversity of the site. It is essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.

13. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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)

14. No trees shall be felled nor shall any tree works be undertaken on site unless an Ecological Method Statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall be provided by a suitably qualified professional.

Thereafter the development shall be carried out in accordance with the agreed details.

Reason: In the interests of protected species.

15. 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 any above ground works commence, 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.

16. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will

secure that such improvement works will be carried out before any part of the development is brought into use.

Highways Improvements:

- Review/promotion of Traffic Regulation Orders in the vicinity of the development site (waiting/loading restrictions) entailing advertising, making and implementing the Traffic Regulation Order subject to usual procedures (including provision and installation of regulatory traffic signs and road markings) as necessary.
- Construction of a new vehicular access to serve the development site.
- Reinstatement of redundant vehicle crossings.
- Any reconstruction of the footway along the site frontage.
- Any other accommodation works to statutory undertaker's equipment, traffic signs, road markings, lighting columns, and general street furniture necessary as a consequence of development.

Reason: In the interests of traffic safety and the amenities of the locality, in the interests of the safety of road users, and pedestrian safety.

17. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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

18. 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.

19. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

20. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the external flue ducting and termination,

which should include a low resistance cowl.

b) Acoustic emissions data for the system.

c) Details of any filters or other odour abatement equipment.

d) Details of the system's required cleaning and maintenance schedule.

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

21. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

22. The development shall be carried out in accordance with the submitted flood risk assessment (ref 2404/RE/12-19/01 // Dec 2019 // Evans Rivers and Coastal Ltd) and the following mitigation measures it details:

Finished floor levels shall be set no lower than the flood level of 64.99m AOD and 150mm higher than the existing ground levels.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

23. Notwithstanding the submitted plans, prior to construction of the car park, full details of surfacing and drainage shall have been submitted to and approved in writing by the Local Planning Authority. The car park shall have been constructed in accordance with the aforementioned approved details prior to the development being brought into use.

Reason: In the interests of providing suitable car parking accommodation.

24. Prior to works starting on site 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 remedial works will have been completed to the satisfaction of the Local Planning Authority prior

to full occupation of the development.

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

25. The development shall not be used unless the cycle parking accommodation has been provided as shown on the approved plans, and it shall thereafter be retained and maintained.

Reason: In the interests of delivering sustainable development.

26. The development shall not be used unless the car parking accommodation for 31 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 it is essential for these works to have been carried out before the use commences.

27. Prior to use of the development hereby permitted commencing, a Delivery Management Plan (DMP) shall be submitted for written approval by the Local Planning Authority. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable. All commercial deliveries then shall be carried out in accordance with the noise mitigation procedures and controls, as set out in the approved DMP.

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

Other Compliance Conditions

28. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

29. No amplified sound or live music shall be played within the commercial use(s) hereby permitted 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.

30. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that

remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

31. The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

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

32. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

33. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of (1.45l/sec litres per second per hectare /1.45l/sec litres per second).

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

34. No customer shall be permitted to be on the premises outside the following times:

Retail unit 1 located in the eastern corner of the site adjacent The Common
0600 hours and 2100 hours Monday to Saturday
0830 hours and 1600 hours on Sunday and Bank Holidays

Retail unit 2 located in the south-western corner of the site
0900 hours and 2100 hours Monday to Saturday
0900 hours and 1600 hours on Sunday and Bank Holidays

Cafe unit 3 located in the north-western adjacent the corner of The Common and Church Street
0600 hours and 2300 hours Monday to Saturday
0830 hours and 1800 hours on Sunday and Bank Holidays

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

3. The applicant is advised that the Local Planning Authority has reason to believe that the application site may contain species and/or habitats protected by law. Separate controls therefore apply, regardless of this planning approval. If required, please contact the Council's Ecology Unit for more information in this respect.
4. The Environment Agency recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help to reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf>
Department for Communities and Local Government: Improving the flood performance of new buildings:
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

5. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood

defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

6. Advertisement/signage shown on the plans are not part of this application and an advert application must be submitted separately.
7. The applicant is advised:
 - that any tree protection or habitat protection fencing be installed as early as possible. No parking should be allowed or plant and materials be stored within these areas.
 - to employ best practice measures to ensure individual mature trees are protected (BS5837:2012 Trees in relation to construction)
 - to ensure the safe storage of potentially hazardous materials and substances, with zero risk of these entering the water-course
 - to adhere to good working practices in relation to badgers and hedgehogs e.g. covering over trenches or providing a means of escape, such as a scaffold board.
 - to provide a toolbox talk for contractors covering wild animals most likely to be encountered, such as hibernating hedgehogs and amphibians.
 - to deal with non-native invasive species appropriately. Himalayan balsam is present on site.
8. Any pruning, felling or clearance required is carried out outside of the bird breeding season (March 1st - August 31st) and that an ecological watching brief is present to supervise dismantling of brash piles and avoid harm to hibernating animals. All birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981 during the nesting season. Hedgehog is a NERC (Natural Environment and Rural Communities) Section 41 (formerly UKBAP (UK Biodiversity Action Plan)) Priority Species.
9. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

10. As the proposed development abuts the public highway you are advised to

contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

They 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.

11. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

12. 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 formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349

Email: james.burdett@sheffield.gov.uk

13. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the

Institute of Lighting Professionals' website.

14. For larger commercial kitchens or cooking types where odour and noise risk is higher, reference should be made to the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018). Appendix 2 of the document provides guidance on the information required to support a planning application for a commercial kitchen
15. Plant and equipment shall be designed to ensure that the total LA_r plant noise rating level (i.e. total plant noise LA_{eq} plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA₉₀ background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
16. You may need a Premises Licence under the Licensing Act 2003. You are advised to contact Sheffield City Council's Licensing Service for advice on Tel. (0114) 2734264 or by email at licensing@sheffield.gov.uk.
17. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
 - Details of site access & egress for construction traffic and deliveries.
 - A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

18. In considering and devising a suitable Delivery Management Plan, useful reference may be made to the Department for Transport 2014 guidance document "Quiet Deliveries Good Practice Guidance - Key Principles and Processes for Freight Operators". Appendix A of the document provides general guidance, along with key points for delivery point controls, and driver controls.

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application site is located within the Ecclesfield district of Sheffield, immediately south of the junction of The Common with Church Street.

The site, which is generally level and occupies an area of approximately 0.36 hectares, comprises of two zones. The northern zone, which faces onto The Common and Church Street, comprises of a currently unused area of hardstanding. The southern zone, at the rear of the site, is an area of undeveloped land. It is understood that the site once accommodated a petrol filling station, following which it was used for vehicle repairs and sales. These uses appear to have ceased in 2018.

The existing site has vehicular access points from both The Common and Church Street, though the latter is blocked by concrete barriers.

To the north of the site, on the opposite side of The Common, is a terrace of residential properties and a detached restaurant with a large car park.

To the west of the site, close to the junction with Church Street, are residential properties which front onto Whitley Lane and, on the eastern side of Church Street, a range of commercial and light industrial units housing a fitted kitchen showroom, a wholesale supplier of motorcycle spares and accessories and a grounds and garden maintenance company.

Adjacent the site's southern boundary are the rear gardens of residential properties on St Wandrilles Close, while to the east of the site is the car park serving the nearby Aldi supermarket.

Planning permission is sought for the erection of two small retail units (Use Class A1) and a cafe unit with drive-thru facility (Use Class A3), plus the formation of associated access, parking and landscaped areas.

During the course of the application amended plans have been received which revised the layout, elevations of the proposed buildings, parking and landscaped areas. Plans show the proposed café unit (understood to be Starbucks) and a retail unit (understood to be Greggs) being constructed within the northern zone facing onto Church Street and The Common. The second retail unit is located in the south-western corner of the site.

As proposed, access and egress to and from the site is limited to a single point on The Common, slightly to the east of the existing access point. A total of 31 parking spaces are proposed, including 6 disabled parking bays.

RELEVANT PLANNING HISTORY

There is no relevant history relating to the application site.

PUBLICITY AND SUMMARY OF REPRESENTATIONS RECEIVED

The application was publicised in accordance with The Town and Country Planning (Development Management Procedure) (England Order 2015 and the Council's Statement of Community Involvement by direct neighbour notification and by site notice (posted 12.06.20).

Summary of Representations:

33 representations were received from local people in relation to the proposals, 28 (including 6 from the same address) raised objections, 4 expressed support and 1 made neutral comments.

2 petitions objecting to the scheme were also received, one with 143 signatures and a second with 135 signatures. The signatories of both petitions strongly objected to the proposed development on the grounds that it 'will have a negative impact on the current community in the village of Ecclesfield (e.g. traffic congestion) and would have significant financial impact on local businesses who also offer hot and cold food.'

The concerns raised by objectors to the scheme include:

- There is no need for any more food outlets in the area.
- The demand for these facilities comes from outside the local area.
- The proposed Starbucks and Greggs will have a harmful impact on local businesses.
- Insufficient footfall locally.
- The junction of The Common and Church Street is an accident black spot due to the blind bend and queuing traffic. An additional access junction will lead to more queues and traffic and the possibility of more accidents.
- The nature of a drive-thru is to generate traffic and as the throughput is inevitably limited, it could lead to queues spilling out onto The Common.
- Completion of the Smithy Wood Business Park and other developments have resulted in a noticeable increase in traffic on Church Street and much of the Church Lane traffic enters The Common close to the proposed entrance/exit to the proposed development. Vehicles trying to enter the proposed development will interfere with the visibility of vehicles trying to leave and both would interfere with the visibility of vehicles trying to exit from The Common.
- Recent development in the area, including 2 supermarkets and a housing development, have resulted in congestion along The Common from 7am to 10pm. The roads cannot cope with more traffic.
- The development will generate traffic which will cause delays and make it harder for local residents to enter or leave their properties by car.
- The site entrance sits opposite houses where cars park on the roadside and already have difficulty in pulling away due to the volumes of traffic.
- If the access to the proposed development made use of the existing access to the Aldi car park it would remove the need for a new access close to a junction, retain queuing cars within the car park and encourage shoppers to use the wider range of facilities.
- Local traffic is particularly bad on Sundays when Aldi traffic swamps the area.
- The proposed Starbucks will encourage drivers to drink while driving and so should be rejected.

- The development will pose a danger to drivers and pedestrians.
- The development will encourage local school children to take different routes and endanger their safety.
- The proposed 5am – 11pm opening hours will have a harmful impact on local residents, as will deliveries before 7am.
- A 24 drive-thru will be extremely disruptive for families living nearby who have a right to quiet between 10pm and 7am.
- The development will have an adverse impact on air quality.
- The development will generate litter, already a problem in parts of Ecclesfield.
- The flood risk assessment does not adequately consider the area upstream which was badly flooded in 2007 and 2019. If the brook culvert is capped over it will prevent water from escaping and cause even bigger flooding problems upstream.
- Information used for the flood risk assessment is out of date and inadequate.
- The proposals should be resisted until details are submitted which show that the development has been designed sustainably, e.g. electric charging points, high levels of insulation or photovoltaic panels.
- Local businesses are being pushed out by multi-nationals.
- Occupation of one of the units by Greggs is likely to have an adverse impact on the health of the local population, especially school children.
- The application should have been advertised more widely.

Supporters of the scheme made the following comments:

- The development will bring jobs to the local area, particularly for young people.
- It will enhance local amenities, attracting more people to the area.
- Support more commerce in the area and suggest a right hand turning lane would help to reduce queuing traffic and make it easier for those living directly opposite the site who park on street.

In addition Ecclesfield Parish Council objected to the proposal on the following grounds:

- Overdevelopment of the site.
- Flooding implications in an area which floods significantly already.
- Information used for the flood risk assessment is out of date and inadequate.
- Increase in traffic in an area with already high volumes raises highway issues.

PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998.

The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is also a material consideration. The NPPF sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF (paragraph 213). Weight should be given to them according to their degree of consistency with the NPPF. The closer a policy in the development plan is to the content of the NPPF, the greater the weight it may be given.

The assessment of this development proposal also needs to be considered in light of paragraph 11 of the NPPF, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Principle of Development

The entire site lies within a designated Housing Area as defined in the Unitary Development Plan (UDP), as do the commercial units to the west and Aldi to the east.

The application seeks full planning permission for the erection of two retail units and one café with a drive through facility. UDP Policy H10 (Development in Housing Areas) states that housing is the preferred use of land but that small shops and food and drink uses are acceptable in principle. The UDP defines small shops as 'usually with not more than 280 sqm sales area.'

For larger shops over 280 sqm sales area, UDP Policy H10 states that these 'other shops' are unacceptable unless at the edge of the Central Shopping Area or a District or Local Shopping Centre.

Policy H10 is in part conformity with the NPPF as it promotes new homes as the priority use in housing areas which facilitate housing delivery and is consistent with

paragraph 59 of the NPPF which states that to support the Government's objective of significantly boosting the supply of homes, it is important that a significant amount and variety of land can come forward where it is needed.

However, the test for retail development outlined in Policy H10 is not up to date as it appears to place an embargo on retail development that is not in or at the edge of a local centre (for appropriately sized food stores) or other out of centre locations, other than in a Retail Park or in Meadowhall. The NPPF does allow such development subject to the sequential and impact test requirements (paragraphs 86 to 90).

As amended the proposed retail units have floor areas of 114 sqm and 95 sqm respectively and so are acceptable under Policy H10.

UDP Policy H14, which includes parts (a) to (m), relates to conditions on development in Housing Areas. Policy H14 broadly reflects the principles of the NPPF. It is in part conformity with the NPPF and has significant weight. H14 parts (a) to (h) and (k) relate to matters of design, access and amenity and are considered below in the relevant sections of this report.

H14 part (i) seeks to ensure that the development would not lead to a concentration of non-housing uses that would threaten the character of the area. Whilst the proposed retail units would introduce non-housing use into the Housing Area, the application site was previously used for non-housing purposes, is fairly small in contrast to the surrounding housing area and sits adjacent to non-housing uses to the north, east and west. As such it is considered that the development would not threaten the residential character of the area.

H14 part (j) states that non-housing uses should not prejudice the provision of sufficient housing land for either the next five years or up to 2001.

Paragraph 73 of the NPPF requires local authorities to identify a 5 year supply of specific deliverable sites for housing with an additional 5% buffer. The Council has recently updated its 5-year housing land supply position adopting the latest guidance. This shows that the Council has a 5.1 year supply.

This site is in a designated Housing Area but it not an allocated site and it does not appear on the Council's 2019 Brownfield Land register, which is a register of previously developed land that the local planning authority consider to be appropriate for residential development having regard to criteria in the Town and Country Planning (Brownfield and Registers) Regulations 2017. On this basis the proposals are not considered to be contrary to policy H14 (j).

Policy H14 part (l) permits non-housing uses provided that it would be on a scale consistent with the residential character of the Area or meet primarily local needs.

In this instance, the small scale of the proposed retail development would in principle be compatible with the residential area.

In summary, the proposed development complies with policy H10, but policy H10 also seeks compliance with UDP Policy S5 (Shop Development Outside the Central Shopping Area and District Shopping Centres).

Retail Impact

As described above, the proposal includes two small retail units, with floor areas of 114 sqm and 95 sqm respectively, and a café unit with a drive through facility in an edge of centre location. These are 'main town centre uses' as defined in Annex 2 of the NPPF.

Policy S5 permits edge-of-centre retail development comprising of small shops provided it does not undermine the vitality and viability of the City Centre or any District Shopping Centre as a whole, either taken alone or cumulatively with other recent or proposed development. It should also be easily accessible by public transport and on foot, not harmfully effect public transport or movements on the highway network, not generate traffic that would result in a significant increase in trips; not take up land where other uses are required nor give rise to shortages of land for preferred uses.

The highways and transport and the land use issues identified in Policy S5 are considered in the relevant sections of this report.

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to all planning applications for main town centre uses which are not in an existing centre, while paragraph 89 only requires proposals which exceed 2,500 sq.m to assess the impact on the vitality and viability of town centres (unless there is a lower locally set floorspace).

UDP Policy S5, like H10, is not fully up to date or reflective of the sequential and impact tests set out in paragraphs 86 to 90 of the NPPF.

For the purposes of their Sequential Test, the applicant took account of the district centres and local centres within a 'five-minute drive' of the site, a catchment area which comprises of two district centres and two local centres:

District Centres

Chapelton, 1.5km to the north; and Chaucer, 2.5km to the south west.

Local Centres:

Junction between The Common and Mill Road, 150m to the south east; and Junction between The Sycamore Road and High Street, 750m to the south.

The assessment demonstrates that there are no suitable or available in centre, edge of centre, or sequentially preferable out of centre sites capable of accommodating the proposed development. The findings also illustrate that there is an overall lack of available retail units/sites, and that the limited number of the available alternative sites do not meet the specific requirements for the type of development proposed, as

there is insufficient site area to accommodate two retail units and one café to include a drive-through facility and associated parking.

As the proposal is below the 2,500 sq.m trigger point, an impact assessment is not required under the NPPF. However, in line with Policy S5 (a), officers have considered the potential for impact on the only nearest District Shopping Centre, Chapeltown, and concluded that the small size of the proposal is unlikely to draw trade from food and non-food stores in Chapeltown District Centre to the extent that it will undermine the vitality and viability of the Centre as whole. The Council's Retail and Leisure Study (2017) recommended that 500sqm is point at which stores in out of centre locations may have an impact that needs assessing.

Anything below that will typically have a local catchment and not draw trade from a nearby Centre in a significant way.

The proposed development is therefore considered to be acceptable and complies with the Government's planning policy guidance contained in NPPF paragraphs 85 to 90.

Layout and Design Issues

Policy H14 (Conditions on Development in Housing Areas) parts (a) and (l) seek to ensure that buildings are well designed and of a scale and nature appropriate to the site and be on a scale consistent with the residential character of the Area.

UDP Policy BE5 (Building Design and Siting) and Core Strategy Policy CS74 (Design Principles) also seek good quality design, while Policy BE7 (Design of Buildings Used by the Public) expects provision to allow people with disabilities safe and easy access.

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make developments acceptable to communities (paragraph 124). It also states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish and maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible ... (paragraph 127).

Policies H14 parts (a) and (l) and policies BE5, BE7 and CS74 generally align with paragraph 124 of the NPPF and so are given significant weight.

The application site occupies a highly prominent corner location and faces onto existing buildings of contrasting scale and appearance. The existing site does not contribute positively to the character of the area or the streetscene.

Two of the proposed buildings are sited close to The Common frontage. These two units will comprise of a Starbucks café with a drive-through facility (168 sqm) and a Greggs retail unit (114 sqm). A third unit, in retail/trade use, is located towards the

rear of the site (95 sqm). All three units are relatively small and single storey in height.

Quality boundary treatments are proposed, with a 1 metre high stone wall along the frontage to both The Common and Church Street. Running alongside the boundary wall will be a landscape strip, which will soften the appearance of the proposed buildings and contribute to the character of the area.

The existing site access from The Common will be relocated slightly to the south-east and will be modified to create two-way access into and from the site.

North of the access, occupying the corner position at the junction of The Common and Church Street is the proposed Starbucks unit with drive-through facility. The single storey unit faces south. It has a shallow mono-pitched roof and a largely glazed frontage. Its contemporary design also features hardwood timber panels and an integral brick clad totem which acts as a focal point and minimises the requirement for additional signage at the site boundary. The drive-through access road is bordered by landscape planting. An outdoor seating area is also proposed to the south of this unit.

To the south of the site entrance there is a landscaped area, 10 car parking spaces (5 on each side of the access road) and cycle parking. The access road leads to the second unit which fronts The Common and will accommodate an A1 use (Greggs). Given the position of this unit, opposite buildings of natural stone construction, amendments were requested and this single storey flat roofed unit now incorporates a stone finish to its north and south-east facing elevations which is considered to be more in-keeping with the locality. Landscaping and a small outdoor seating area is also provided.

Towards the southern end of the site is further parking and the single storey flat roofed third unit, also in retail use, which sits behind and adjacent to the existing industrial units which are located off Church Street. It will have little impact on the street scene and is finished in cladding. Though not prominent, its appearance will be softened by the retained and proposed landscaping to the adjoining boundaries.

The proposed scheme has taken advantage of the site constraints, with landscape buffer zones created alongside the existing watercourse that runs through the site and the retained mature trees along the southern boundary.

Each unit will have an accessible pedestrian approach and entrance.

The layout, scale and overall design quality of the proposed development are acceptable. The design approach, which emphasises the primary elevations and prominent corners of the buildings, is supported. Elements such as the stone boundary wall, stone detailing to the façade of unit 2 and landscaping will all make a positive contribution to the character and appearance of the area. In design terms it is considered that the development will have a neutral impact on the character of the area but will overall enhance the appearance of this vacant site.

Conditions are recommended to secure appropriate quality in the detailing of the buildings and the landscaping of the site.

The proposal is considered to meet the criteria set in policies H14 part (a) and (l), BE5 and BE7 of the UDP, CS74 of the Core Strategy and paragraphs 124 - 127 of the NPPF.

Effect on the Amenities of Residents in the Locality Issues

UDP Policy H14 parts (c) and (k) relate to matters of amenity.

NPPF paragraph 127(f) states that development should create places with a high standard of amenity for existing and future users. NPPF (paragraph 180) which states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health includes (a) mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy H14 aligns with the NPPF and so is given significant weight.

The site was once occupied by a petrol filling station but has been used in more recent years for vehicle repairs and sales. All use of the site appears to have ceased in 2018 and all previous structures have now been demolished.

There are residential properties to the north east, north west and to the south of the site. Properties to the north east and north west are separated from the site by The Common and Church Street with commercial uses to the north (restaurant), to the south east (Aldi) and to the south west of the site (industrial units). The adjoining highways are busy and used by a number of frequent bus services.

The nearest residential properties to the site are those which form the terrace of 11 properties on the opposite side of The Common, which sits at a slight angle to the highway. They have main habitable room windows facing towards the site.

However, given the small scale of the buildings occupying the proposed development most windows will face directly towards landscaped or parking areas and the buildings themselves are single storey with flat or mono-pitched roofs that have been set back from the site boundary and will be partially obscured by the proposed stone boundary wall and adjacent planting. A minimum distance of approximately 19 metres separates the frontage of the closest (Greggs) unit with the terraced properties, while the café unit (Starbucks) is approximately 31 metres away.

The cafe unit includes a drive-through facility. The order point is on the south side of the unit, almost 50 metres away from the residential properties on The Common, and the collection points faces north towards Church Street. The closest residential properties to the north west are in excess of 40 metres away, across a busy road and hidden from view by very high and very dense boundary hedges.

The rear elevation of the closest house to the south of the site, off St Wandrilles Close, is approximately 25 metres from the side windowless elevation of retail unit at the southern end of the site, though the landscape buffer zone, retained mature trees and existing industrial units will restrict views beyond the site boundary.

The proposal will generate traffic and vehicle movements within the car park which will create noise. The applicant's submitted Noise Impact Assessment surveyed the prevailing noise climate of the area, taking measurements during quiet periods (0500 hours to 0700 hours and 2100 hours to 2300 hours) close to the nearest noise sensitive receptors. The predominant noise source at all positions was local road traffic. Traffic on The Common was the main source, with traffic on Church Street the secondary source. The traffic was quieter later at night and earlier in the morning but was still present. When local traffic was quieter, distant traffic on the M1 could be heard.

The applicant originally proposed opening hours between 0500 hours and 2300 hours for the café unit and between 0600 hours and 2100 hours for the two retail units. Despite the conclusions of the Noise Assessment there were concerns that such early opening could have a harmful impact on the closest residents. The applicant has agreed to hours of use opening restrictions which comprise of 6am for both Greggs and Starbucks and for 9am for the retail unit.

The proposed drive through will be a single lane loop around the cafe unit where customers will stay in their vehicles to collect their order, so car door slams will be at a minimum. The proposed layout prevents vehicles from accelerating quickly and the main building will provide screening between noise sensitive receptors and the drive through lane farthest away from them. The noise generated by the drive through is not predicted to be any higher than the car park.

Using car park noise data for a development of the size proposed, the Noise Assessment states that a range of noise levels between 53 dB and 64 dB LAeq,15min can be expected at peak times in a car park. This includes all noise sources from a typical, large retail car park, including car movements, door slams and people talking. Using the worst-case scenario level of 64 dB, the assessment found that predicted car park noise at each noise sensitive receptor would be significantly lower than the current noise levels due to local road traffic. Therefore, noise from the car park would not be audible above the current noise climate.

In relation to plant noise, the applicant advised that small Greggs units such as the one proposed do not have large commercial kitchens. Food is prepared off site and only heated up in store. In addition, any necessary extract outlets can be located on the elevations furthest away from residential properties.

In the context of already generally high levels of daytime and early evening traffic noise the impact of the development on the amenities of the area are unlikely to be significant. It is considered that subject to the implementation of the noise mitigation measures, including appropriate noise control design limits for all external plant, hours of use restrictions and Delivery Management Plan, the proposed development would not result in unacceptable noise impacts on the amenities of nearby residents.

The proposal is therefore considered to meet with the requirements of the above polices (Policy H14 part (c) and (k) and paragraph 180 of the NPPF).

Highways, Access and Transport

UDP Policy H14 part (d) expects new development: to provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians; (h) to comply with policy T28; and for non-housing uses: (k) to not lead to excessive traffic levels.

UDP Policy T28 relating to transport infrastructure and development seeks to ensure that new development which would generate high levels of travel would be served adequately by public transport services and infrastructure and by the existing highway network.

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

Policies H14 and T28 and broadly consistent with the NPPF and have significant weight.

The development proposal comprises of 2 retail units and a drive through café with 31 car parking spaces spread across the site (reduced from 44). The drive through has stacking for 10 to 11 cars, without blocking the route to the car park. Both the total amount of car parking and stacking for the drive through are considered to be acceptable and unlikely to lead to the free flow of traffic on the highway.

Vehicles would enter and leave the site via the slightly modified existing access from The Common. The modified access would include tactile paving to help pedestrians crossing it. Pedestrians entering the site would have their own access, separate from vehicles. These access arrangements are also considered to be acceptable.

Representations raised a number of highway related concerns including increased traffic flows north and southbound along The Common, the suggestion that Church Street is a known blind spot for drivers, and that both drivers and pedestrians will be endangered.

There is limited trip generation available for drive through coffee shops. TRICS data relates more to drive through fast food restaurants. It is acknowledged amongst transport practitioners that the peaks for food uses are more pronounced than for coffee shops, for which the customer trips tend to be more evenly spread throughout the day.

With this in mind, a review of a recent Transport Assessment for a fast food drive through with similar locational characteristics to the application site found the weekday peak period was 1200 hours to 1300 hours, giving a trip rate of 18.2 vehicle trips inbound per 100 square metres of floor space, and 16.9 vehicle trips outbound per 100 square metres. The proposed Starbucks would have a floor area of 168 square metres, giving 29 inbound vehicles during the weekday peak, and 27

outbound. The Saturday peak period was also 1300 hours to 1400 hours, but the trip rates were higher, giving a total of 41 arrivals and 43 vehicular departures. As well as the drive through element, the Starbucks would have 50 covers, so longer stay customers who don't walk, cycle or bus, would be able to utilise the 31 space car park. These parking spaces would also serve the two smaller A1 Units (of which one is a Greggs, but with only limited internal space, such as to accommodate few, or no covers).

To give some proportion to the scale of development trips set against background traffic using The Common, a survey was reviewed from 2016. At that time the neighbouring Aldi supermarket was operational and there have been no developments in the locality since then that would significantly alter the flows. The survey was of northbound and southbound traffic passing Morrisons, to the south-east, so close enough to the development site to give an indication of background traffic. During the weekday peak hour, northbound was 1096 vehicles.

Southbound was 1045 vehicles. During the Saturday peak hour between 1300 hours and 1400 hours, northbound was 979 vehicles, and southbound was 1195 vehicles.

It is considered that the anticipated trip generation from the proposed development is relatively minor compared to existing background traffic conditions. As such, whilst acknowledging traffic can be heavy at certain times of the day along The Common, the granting of planning permission wouldn't materially worsen conditions.

In relation to highway safety, the Church Street junction with The Common is on the outside of a bend, with good visibility splays. The distance from the centreline of the Church Street junction to the slightly repositioned centreline of the proposed site access is just short of 40 metres, with the distance to the centreline of the Aldi access a further 40 metres to the south. These distances give enough separation between junctions and sightlines and visibility splays are all up to standard.

The neighbouring Aldi, to the immediate south, generates significantly more trips than are predicted to be generated by the proposed development. Aldi operates satisfactorily via a priority junction with The Common, serving a significantly larger car park. It also has a wider junction than that proposed at the development site.

The website CrashMap has been accessed to see if any personal injury accidents have been recorded at the Aldi access and, in the past 5 year period, one slight injury was recorded on 10/06/2015, involving one vehicle. Based on the Aldi junction arrangement, there would seem to be no evidence to suggest that pedestrians, including pupils walking to school, would be exposed to abnormal or significant dangers by replicating a priority junction arrangement for the development site.

There are no highway objections to the proposed development.

The proposal complies with UDP policies H14 and T28 and the Government's national planning policy guidance contained in the NPPF, in particular paragraph 109.

Ecology and Landscape Issues

UDP Policy GE11 seeks to protect the natural environment and UDP Policy GE15 seeks to encourage and protect trees and woodland. UDP Policy GE17 seeks to protect and enhance streams and rivers.

These policies strongly align with the NPPF (paragraph 170), which states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other measures, minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

The site is split into two parts, the front part of the site retains the hardstanding of the former service station and some smaller maintained areas of grass and the rear part of the site, beyond a water course which flows through the site, comprises of an area of trees, scrub and hedgerow as well as piles of deadwood and some tipped debris. Whilst not high value or priority habitat, this provides potential nesting habitat for birds during the breeding season and potential hibernation habitat for hedgehogs and amphibians during the winter months. The watercourse is a Local Wildlife Site (LWS 211 – Brook at Ecclesfield Common).

In order to identify any ecological constraints to the development proposal, a Preliminary Ecological Appraisal (PEA) was undertaken. This assessment has two main elements: an ecological desk study and an extended Phase 1 habitat survey.

The PEA was carried out to a good standard and included a subsequent water vole survey. No evidence of protected species was found though a small number of the mature trees have the potential to support roosting bats. As amended, the plans result in the loss of only one tree, which lies close to the proposed Starbucks unit. A replacement is proposed. A condition is recommended to secure a method statement prior to any tree felling or pruning works that provides guidance for the careful felling of these trees by an experienced arborist.

It is also recommend that any pruning, felling or site clearance is carried out outside of the bird breeding season (March 1st – August 31st) and that an ecological watching brief is present to supervise the dismantling of brash piles and avoid harm to hibernating animals.

In order to provide some protection for the watercourse, a buffer has been provided where it is not culverted. This involved pulling the Starbucks unit slightly to the east. The buffer zone will be planted with species-rich meadow mix.

The PEA concluded that, as long as mitigation recommendations are followed, the impacts to local wildlife are expected to be minimal. Conditions are therefore proposed to secure the above requirements as well as good working practices and a net gain in biodiversity.

The proposal would comply with UDP policies GE11, GE15 and GE17 and paragraph 170 of the NPPF.

Land Quality Issues

The NPPF (paragraph 178) states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The site is identified as potentially contaminated due to its former uses as a petrol filling station and vehicle repair garage. Part of the site also falls within a Coal Authority defined development high risk area. There is, therefore, potential for both contaminants and ground gases to impact upon human health and/or the environment.

The application was accompanied by a Geo-environmental Investigation, in effect a combined Phase 1 preliminary risk assessment and Phase 2 intrusive site investigation, which was found to be lacking.

Furthermore the agents sought advice regarding the possibility of leaving the underground fuel tanks in place beneath the site after redevelopment. The Environmental Protection Service confirmed that all tanks and associated infrastructure should be removed to permit full characterisation of the site during the ground investigation (including, inter alia, beneath the tank locations), to limit future developer liabilities, and to minimise development abnormalities.

In light of the above, it is recommended that conditions are imposed to secure intrusive site investigation and appropriate remediation where required.

The Coal Authority have raised no objection to the proposed development.

Flood Risk and Drainage

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

The NPPF (paragraphs 156 to 165) relating to planning and flood risk state that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere and sets out the principles for assessing the suitability of sites for development in relation to flood risk including the sequential and exception tests where appropriate.

The site lies within flood zone 2 where there is a medium risk of flooding. The applicant's flood risk assessment (FRA) (dated December 2019) considered flood risk and a subsequent sequential test (March 2020) sought to demonstrate that there are no sequentially preferable, reasonably available sites at a lower flood risk within a defined area.

In this instance there are no reasonably available sites appropriate for the proposed development in areas of lower risk of flooding. Moreover, the proposed development is classed as a less vulnerable development, which is compatible with flood zones 1, 2 and 3a.

The Environment Agency (EA) and the Council's Natural Flood and Water Management Coordinator consider the proposed discharge of surface water to Whitley Brook, at the proposed greenfield rate of 1.45l/sec, to be acceptable.

Discharge to the watercourse requires the most robust methods for surface water treatment and should utilise opportunities to deliver this via Sustainable Drainage Systems (SuDS) methods. It is recommended a survey be carried out of the watercourse, in particular the culverted sections, to ensure that they are in a suitable condition.

The risk from surface water flooding varies across the site from low to high. Although the EA has recommended that finished floor levels be set no lower than 64.99m, because that is the level of the estimated 1 in 100 year river flood event, the vast majority of existing ground levels across the site are already above 65m so floor levels that are set at the existing site levels wouldn't make any difference to surface water flooding. The FRA specifically recommends that finished floor levels should be 150mm higher than the existing ground levels. As such a condition requiring finished floor levels to be set no lower than the flood level of 64.99m AOD and 150mm higher than the existing ground levels is proposed.

Sustainable Design

Core Strategy Policies CS63 to CS65 relate to responses to climate change and seek to reduce the impact of climate change through reducing the need to travel and sustainable design. Policy CS65 (a) states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

A condition is recommended to ensure the development incorporates appropriate sustainability measures.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is not applicable to the retail scheme element of this development (in Sheffield CIL charges only apply to large-scale retail in primary areas).

SUMMARY

The proposed retail and cafe uses comply with UDP Policy H10.

There are no suitable or available in centre, edge of centre, or sequentially preferable out of centre sites capable of accommodating the proposed development and it is considered that the small size of the proposal is unlikely to draw trade from food and non-food stores in Chapeltown District Centre to the extent that it will undermine the vitality and viability of the Centre as whole.

The existing site contributes little to the character of the area. The proposed development comprises of three relatively small single storey units, a new 1 metre

high stone wall along the site frontage and landscaping which will contribute to the character of the area.

The proposed scheme has taken advantage of the site constraints, with landscape buffer zones created alongside the existing watercourse that runs through the site and the retained mature trees along the southern boundary. No evidence of protected species was found.

The proposals will not cause significant harm the living conditions of nearby residents.

It is considered that the anticipated trip generation from the proposed development is relatively minor compared to existing background traffic conditions residents and the proposals raise no highway safety concerns.

It is considered that the benefits of the proposal significantly and demonstrably outweigh the adverse impacts of the proposal when assessed against the policies in the NPPF taken as a whole.

It is considered that the most important local polices in the determination of this application, which in this case revolve around land use, highway related impacts, design, ecology and flooding, do when considered as a collection, align with the Framework. As such section d) of paragraph 11 is not applied in this instance.

It is therefore recommended that Members grant planning permission subject to the proposed conditions.

This page is intentionally left blank