
Case Number	22/04253/FUL (Formerly PP-11711988)
Application Type	Full Planning Application
Proposal	Alterations and extensions to allow change of use from vacant Sunday School to a food hall/street food restaurant, bar and local enterprise with ancillary retails and business workspace (Use Class E) including addition of mezzanine floor level, alterations to single-storey wing to form first floor roof terrace, formation of external seating and meeting place to front, and erection of single-storey rear extension with ancillary sub-station and plant space
Location	605 Ecclesall Road Sheffield S11 8PT
Date Received	25/11/2022
Team	South
Applicant/Agent	Axis Architecture
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 hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

27595 A(00)01 P1 Site Location Plan

As published by the Local Planning Authority on 25th November 2022

27595 A(01)02 P7 Proposed site layout plan

27595 A(02)10 P7 Proposed Ground Floor Plan

27595 A(02)11 P8 Proposed First Floor Plan
27595 A(04)10 P9 Proposed Elevations

As published by the Local Planning Authority on 14th July 2023

Reason: In order to define the permission.

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

3. Unless it can be shown not to be feasible or viable 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.

4. Before development commences full details of all flood resilience measures to be employed (including scale plans of any external features at a minimum scale of 1:20) shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter such approved details shall be implemented and retained thereafter.

Reason: In order to secure appropriate flood resilience to the development

5. 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.

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

6. Before the development is first brought into use, details of an obscure glazed screen to the southern extremity of the first floor terrace shall be submitted to, and approved in writing by, the Local Planning Authority. The screen shall be 1.7 metres in height and shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity. The screen shall thereafter be permanently retained as per the approved details.

Reason: In the interests of the amenities of occupiers of dwellings on Neill Road.

7. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

8. 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.

9. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements

which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

10. Before that part of the development is commenced, full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved materials shall be in place before that part of the development is first occupied.

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

11. Before the commercial development is brought into use a Flood Plan, including an evacuation procedure and safe exit routes to land within Flood Zone 1 (prior to flood waters rising) or to the upper floors of the building in the event of flooding, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the flood plan shall be displayed prominently and employed within the premises at all times.

Reason: To ensure safe evacuation procedures are in place in the event of flooding.

12. 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.

13. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the use shall not be commenced unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

14. The development shall not be used unless the dedicated bin storage area as shown on the approved plans has been provided in accordance with those plans. Thereafter the bin storage area shall be retained and used for its

intended purpose and bins shall not be stored on the highway at any time (other than on bin collection days).

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

15. The development shall not be used for the purposes hereby permitted unless a scheme of sound (insulation and/or attenuation) works has been installed and thereafter retained. Such works shall be based on the findings of a noise report submitted to and approved in writing by the Local Planning Authority and shall include an assessment of noise impacts on nearby noise sensitive premises, in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

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

Other Compliance Conditions

16. 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.

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

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

18. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval 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 systems required cleaning and maintenance schedule.
- e) (Optional: Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

The use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter 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 it is essential for these works to have been carried out before the use commences.

19. No customer shall be permitted to be on the premises outside the following times: 0800 and 2330 on any day.

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

20. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on 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.

21. No external movement, sorting or removal of waste materials, skips or bins shall take place from 1900 hours until 0900 hours (on the following day) Mondays to Sundays.

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

22. No loudspeakers shall 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.

23. The external seating area to the front of the premises and the first floor terrace shall only be used between the hours of 0900 and 2100 on any day of the week.

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

24. All external doors serving the ground floor shall be closed from 2100-0800 hours on any day of the week.

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

25. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987 (as amended) the uses on the site shall be limited to the following:

Use Class E (a), (b), (c) and (d)

but shall exclude Use Class E (e), (f) and (g)

Reason: In order to define the permission and in the interests of the amenities of residents in the locality.

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. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact:

Highway Adoptions
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Email: highwayadoptions@sheffield.gov.uk

3. 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

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

The notice should be sent to:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

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

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

5. 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

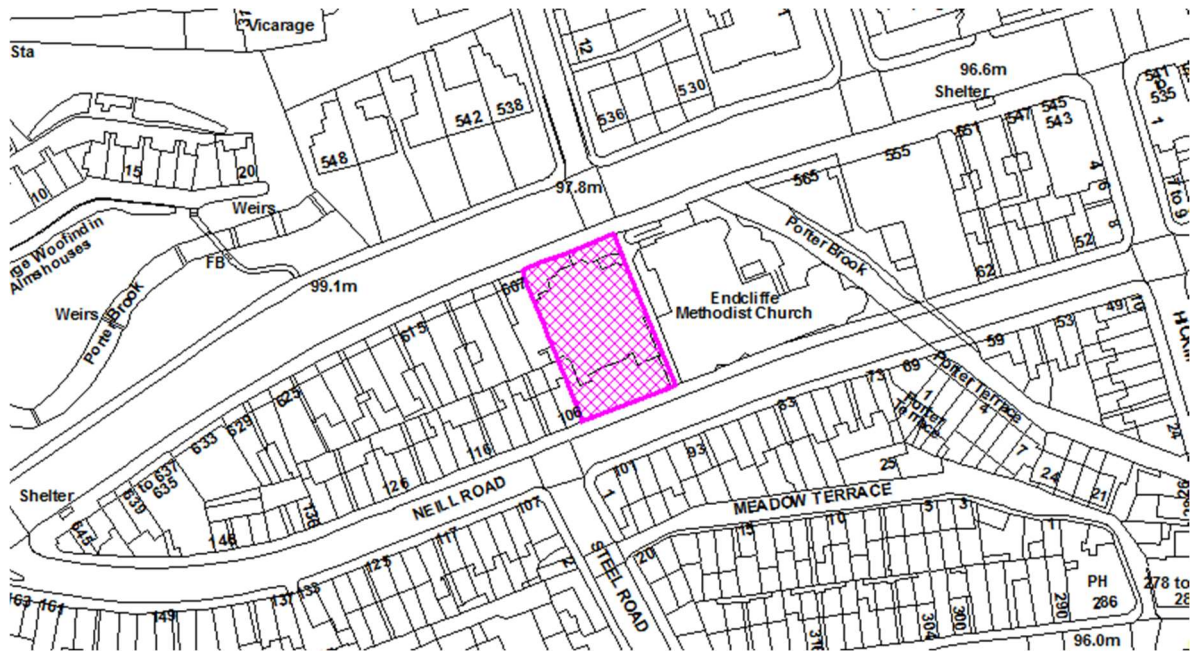
6. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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.

7. Should a connection/modification be proposed to a nearby/onsite watercourse, a Section 23, Land Drainage Act 1991 consent application for Works on an Ordinary Watercourse maybe required. This will have to be submitted to the LLFA. There is no cost for an application.
8. The Applicant is advised that in addition to flood resilience features to be secured through submission of details relating to condition 4, high level ground floor mains electricity installed at high level and on separately switched circuit from first floor, boilers, control and water storage/ immersion being installed at high level, anti-siphon devices being fitted to all toilets, and limiting the use of MDF carpentry at ground floor level would also contribute to flood resilience.

Site Location



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LOCATION AND PROPOSAL

The application relates to a former museum originally constructed as Endcliffe Sunday School in 1927. The building is of stone construction and in many respects takes its architectural cues from the adjacent Endcliffe Methodist Church (now 'The Well Church') which it functioned alongside during its early life. The building features a prominent gable fronted facade rising to two domestic storeys in height. This prominent gable features two large buttresses which flank a flat-headed tracery window in the Gothic style, and a projecting portico with two pointed arched doorways. The outer sides of the buttresses attach to projecting aisles with plain window openings and coped parapets concealing flats roofs.

The central hall located behind the main facade has a significant pitched slate roof with a hip featuring on the rear elevation.

The rear and side elevations of the building are much plainer in style and the rear elevation features some later brick built infill walls that are somewhat out of character with the original design.

Internally the building has lost most of its original fixtures and fittings but the basic form of a large central classroom (with stage) with smaller flanking classrooms/service rooms in the outer aisles remains. The internal spaces are accessed via a front lobby with double doors fronting Ecclesall Road.

The building is not listed and is not designated as a heritage asset. There is no intention to have the building recognised as a heritage asset and whilst the design of the front elevation, in particular, has some notable features the building as a whole is not considered of significant architectural merit.

Nonetheless, there is little doubt that the former Sunday school and its neighbouring church contribute to the character of the street scene of Ecclesall Road and the buildings retention and conversion (rather than total demolition) was encouraged by officers at pre-application stage recently prior to a previous permission.

The building was in use as a Heritage Museum (University owned) from 1985 until 2011. It has since stood vacant and the building has passed into a state of disrepair. There is anecdotal evidence that it attracts anti-social behaviour and littering.

It is proposed to convert the main building to a food hall/street food restaurant with a small bar, small retail spaces and flexible seating areas that can be booked as meeting/business spaces. The proposal would include the introduction of a mezzanine floor into the building and the construction of a single-storey extension to the rear of the building (Neill Road elevation).

Planning History

Permission was granted in 2021 (21/03423/FUL) for part-demolition, refurbishment and extension of existing building into a commercial unit (Use Class E) and 9 no.

apartments and the erection of 4 no. dwellinghouses fronting Neill Road.

Representations

There have been 28 representations made by members of the public including 5 letters of support, 6 of a neutral tone and 17 objections.

Summary of Representations

Support

- Food Hall is a unique and exciting prospect
- Will bring people to the locality and will be a boost to local businesses
- Will add to the vitality of the Shopping Area
- Regeneration is long overdue
- Will provide local jobs and offer small businesses an opportunity not available in the locality

Objections

- Proposed opening hours are unacceptable.
- Will result in the loss of a pedestrian link between Neill Road and Ecclesall Road
- There are too many food and drink outlets in the locality already
- There will be unacceptable noise (towards Neill Road) from the first floor terrace
- Deliveries will result in noise nuisance.
- The substation plant will result in noise disamenity to residents of Neill Road
- The proposal will result in disamenity through odours (to Porter Terrace)
- The first floor terrace will result in loss of privacy to residents on Neill Road

Planning Assessment

Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework revised in 2021 (NPPF) is a material consideration.

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.

Key Issues

The main issues to be considered in this application are:

- The acceptability of the different aspects of the development in land use policy terms,
- The design of the proposals and their impact on the surrounding street scene,
- The effect on future and existing occupiers living conditions,

- Whether suitable highways access and off-street parking is provided.

Land Use Considerations

The UDP identifies the site straddling an allocated District Shopping Area (that half fronting Ecclesall Road) and a Housing Area (fronting Neill Road). The Draft Sheffield Plan would see this allocation change to entirely District Centre.

The Commercial Uses (Class E)

The end users for the ground floor spaces are not specified in the application this being left 'open-ended' within Use Class E (commercial) use. Given the limited scale of the offered spaces ('kitchens') it is considered likely that these will be occupied by smaller local businesses.

It is considered the this can be more finely specified as a use within Use Classes E(a), E(b), E(c) and E(d) i.e.

- Retail
- Cafe or restaurant
- Financial and professional services
- Indoor sport, recreation or fitness

but excluding the following

- E(e) - Provision of medical or health services
- E (f) - Clinics, health centres creches and day nurseries
- E(g) - for any industrial process which can be carried out in any residential area (without causing detriment to the amenity of the area) and research and development of products or processes.

This delineation within Use Class E has been agreed with the Applicant's agent.

Policies S7 and H10 of the Unitary Development Plan do not refer to the new Class E (having pre-dated its designation) but refers to the acceptability of the above uses as follows:

Retail:	Preferred (S7) Acceptable (H10)
Food and drink:	Acceptable (S7 & H10)

All of the above uses are subject to the constraints of Policy S10 'Conditions on development within Shopping Areas and H14 'Conditions on Development in Housing Areas'. However, all of the above uses are acceptable in principle. The compliance, or otherwise, of each of these uses with regard to these policies (and any subsequent requirements for conditions) is explored in the assessment of the scheme below as necessary.

However, in terms of principle both the Class E ground floor uses are acceptable in principle.

Retail Dominance Considerations

UDP Policy S10 (a) of the Sheffield Unitary Development Plan requires that the preferred use (A1) remains dominant in Shopping Centres or that its principal role as a shopping centre is not prejudiced. At the last count (July 2019) the retail dominance figure was at 56% though it is acknowledged this will have changed given recent changes to the Use Classes (see below) and the impact of the pandemic.

The introduction of an entirely retail use at this location would, of course, be greatly welcomed since this would strengthen the retail credentials of the Ecclesall Road DSC.

However, given that the most recent use was a non-retail use the introduction of another largely non-retail use would maintain the status quo and officers are satisfied that there will be no conflict with UDP Policy S10 in this instance should such a change occur.

Furthermore, since the introduction of Use Class E in September 2020, it is impractical to ensure a dominance of retail uses in Centres given the range of uses that fall within the new Class E. As a result, officers have taken the view that less weight should in any case be placed on the need to maintain a dominance of retail uses in Local or District Centres as outlined in UDP Policy S10, and this position is in line with the principle in paragraph 86 of the NPPF which supports the diversification of centres in response to changing market conditions.

This approach is also supported by Core Strategy Policy CS34 which encourages District/Local Shopping Centres to provide for everyday needs with a range of retail, leisure and community facilities. The proposed uses would encourage people to mix and would benefit the wider community (in line with the aims of NPPF - paragraph 93) and would therefore contribute to the vitality and viability of the Local Shopping Area alongside the range of other existing Class E uses that exist in the Centre. Based on these points raised, officers are satisfied that a proposal within Use Class E (a/b/c/d) will not create a dominance issue that would adversely affect the vitality and viability of the Shopping Centre and therefore, officers have no objections to the proposal from a land use/dominance perspective.

The local policies are therefore considered to align with the NPPF and can be afforded significant weight.

Environmental Considerations

Chapter 12 of the NPPF (2021) requires good design, where paragraph 126 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

Paragraph 134 requires that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Paragraph 130 of the NPPF states that planning policies and decisions should

ensure that developments:-

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

These requirements closely reflect the aims of policies BE5, H14 and CS74 so those policies can be afforded full weight.

UDP Policy BE5 (Building Design and Siting) states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS74 (Design Principles) within the Core Strategy states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

UDP Policy H14 'Conditions on Development in Housing' states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or cause serious loss of existing garden space which would harm the character of the neighbourhood.

UDP Policy S10 'Conditions on Development in Shopping Areas' states that:

- (d) be well designed and of a scale and nature appropriate to the site

The above local policies are considered to align closely with the NPPF and can be afforded significant weight.

Design and Detailing

In terms of scale and massing the extension would provide something of a transition between the original school building itself and the street scene of Neill Road. The prevailing height of development on Neill Road itself is provided by the dominance of two-storey terraced housing though the rear elevation of the school and the neighbouring former church are clearly on a much larger scale. In this respect the proposal relates well (in terms of overall height) relative to the terraced properties to the west and maintains an appropriate separation to The Well so as to avoid impacting the side elevation of that building.

The current rear elevation of the former school could best be described as utilitarian with the central stone built 'spine' of the building (running north/south)

flanked by two red brick wings. It is therefore not considered to display any significant architectural merit and its replacement in the street scene with the proposed clean lined modern alternative is considered acceptable.

The design of the extension is simple and uncluttered and whilst the proposed facing materials introduce a contemporary and new material to the street scene these materials have been employed in significantly more sensitive locations to some degree of success. The Applicant has declined the opportunity to reconsider the facing materials and officers consider the proposed standing seam zinc is on balance acceptable in the context.

Overall it is considered that the design of the extension will provide for an acceptable addition to the former Sunday School that, whilst making a strong statement in its own right, also responds adequately to the most important architectural features of the original building and result in an overall form that should contribute positively to the street scene of Neill Road.

The footpath which currently links Neill Road and Ecclesall Road is being retained and this is welcomed.

There are very limited additional works proposed within the curtilage, as the majority will be required to be retained for access to and from the premises, as at present.

Overall, in terms of design the proposal is therefore considered to satisfy policies BE5, S10, H14 and CS74 and paragraph 130 of the NPPF.

Impact on Living Conditions

UDP policies H14 and S10 require development not to cause residents to suffer from unacceptable living conditions, including air pollution, noise, or other nuisance or risk to health or safety.

NPPF paragraphs 130 and 185 sets out similar aims in terms of ensuring decisions take into account the impact of pollution on health and living conditions and secure high standards of amenity. The local and national policies closely align and significant weight can therefore be given to H14 and S10.

Existing Residents

Physical Presence of the New Build

The nearest dwellings to the proposals are the terraced houses on the opposite side of Neill Road, and the adjacent terrace No.106 Neill Road.

In the case of the former the proposal would be located approximately 15 metres from the front elevations of these dwellings across the public highway. There are no overlooking implications since there are no windows in the south elevation of the extension.

It is considered that there might be some limited overlooking potential from the first floor terrace towards properties on Neill Road though the separation distances here would exceed those of first floor window to first floor window separations between terraced houses on the street. Nonetheless, given the commercial use of the terrace and the likelihood that the potential overlooking would be of greater intensity it is considered prudent to require a 1.7 metre high privacy screen at the southern extremity of the terrace.

Given the separation distance and the orientation (to the north of the terraces opposite) there is not considered to be either overbearing or overshadowing potential.

Impact of the Ground Floor Commercial Use

Although there is no end user identified for the ground floor commercial use it is nonetheless clear from the plans that the new use will include food/drink uses and to condition the unit as such. As above, this is confirmed with the applicant.

Any such uses are likely to generate some degree of event based noise (loud talking etc). In terms of other event based noise such as vehicular comings and goings (and associated noise such as car doors slamming/car radios playing) it is considered that patrons are less likely to arrive by car and to park their vehicles in the locality but rather arrive on foot, by public transport or taxi.

Ecclesall Road is a busy main road and therefore generates a considerable amount of ambient noise immediately adjacent to the site and flats above. In the context of this background noise, it is not considered reasonable to expect that residents fronting this major road should enjoy the same level of amenity that might be afforded in a solely residential area. Ambient noise levels produced by vehicular and pedestrian movements are apparent late into the evening in this busy location within the district shopping centre with a number of late opening takeaways, restaurants and drinking establishments in the vicinity.

Operating Times (Noise and disturbance).

In recognition of the potential for noise disturbance a Noise Survey was submitted with the application, and following officer assessment identified deficiencies, a revised document was submitted in April 2023.

The scheme was initially proposed with closing times past midnight, and this prompted many representations from neighbours. Officers did not consider this satisfactory and have therefore insisted on the scheme adopting the same hours of operation (09:00-23:30) regime that has been established on this part of Ecclesall Road.

These hours align with those that have been established over the past 15-20 years as representing an appropriate balance between business desire/viability and residential amenity in and around the DSC.

Regarding the proposed outside seating areas and first floor terrace local residents

have previously experienced noise disturbance from such sources late at night and, (again in line with established practice) it is considered that such areas be limited to 21:00 cessation of use in the interests of residential amenity. In addition, the proposed first floor external terrace has been significantly reduced in size, taking its southern edge further away from residential properties on Neill Road, reducing its impact, along with the limited hours which will be secured by an appropriate condition.

It is also considered prudent to add operational conditions relating to sound attenuation, waste management, external plant, and amplified sound be added to any permission.

Subject to conditions the scheme can achieve the requirements of the relevant part of policy S10.

Odours/Smells

The plans submitted with the application do not include detailed plans of the proposed cooking equipment as they are likely to depend on each end user in the food hall. However, in the likely event that fume extraction is required it will be necessary to add conditions to any permission requiring details of extraction flue details. Subject to these conditions it is considered that such a use will be able to function without impacting on neighbouring living conditions.

The proposal is considered to be acceptable on this basis and subject to conditions the scheme can achieve the requirements of the relevant part of policy S10.

Highways Considerations

The NPPF seeks to promote sustainable transport and locations, emphasising pedestrian and cycle movements and public transport in Paragraphs 110 and 112. Paragraph 110 states that safe and suitable access to the site should be achieved by all users. Paragraph 111 goes on to detail that new development 'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The site is located in a highly sustainable location within close proximity to excellent public transport links.

The site does not benefit from any off-street parking and owing to the site constraints there is no opportunity to provide any. In terms of a food and drink use the highly sustainable location within a District Shopping Centre is a positive consideration with the majority of customers likely to be walking or arriving by public transport or taxi at the venue. However some pay and display on-street car parking is available both immediately outside the premises and on the opposite side of Ecclesall Road.

In the context of the highly sustainable location this is considered to be acceptable.

In terms of servicing there are loading restrictions in the adjacent on-street parking zones but servicing could occur from Ecclesall Road outside these restricted hours (as it does for other similar businesses located on Ecclesall Road).

Appropriate bin storage will be provided in the communal service area and be serviced by waste disposal vehicles on Neill Road. Highway Officers do not consider that the quantum of development and corresponding waste generation justifies a requirement for the introduction of a Traffic Regulation Order on Neill Road.

Secure covered cycle parking is not indicated within the plans and this should be provided. There is apparent capacity to introduce this within the ground floor layout. Such parking should be secured through condition.

Flood Risk

The site lies within Flood Zone 2 and the uses are defined as 'more vulnerable uses' in Table 2 of the Environment Agency guidance. A Flood Risk Assessment has been submitted with the application.

This indicates that the majority of the site is at risk of surface water flooding.

There are numerous commercial uses on Ecclesall Road that fall within the Flood Zone 2 area and a consistent view has been taken with any changes of use within the locality. That is that as this is a change of use application it is impractical to raise existing floor levels but there are a range of flood resistant measures that could be used in the fit-out of the property e.g. Ground level electrical main run from higher level and on separately switched circuit from first floor; boilers, control and water storage / immersion installed at higher level; anti-siphon fitted to all toilets; kitchen/bar units of solid, water resistant material; limiting use of MDF carpentry at ground floor level.

The FRA recommends that these flood resilient features should be incorporated into the proposed extension and refurbishment designs in the event that floodwaters seep past the threshold barriers.

It also recommends that commercial owners should sign up for the Flood Warning scheme operated by the Environment Agency and that a Flood Evacuation Management Plan is produced for the site.

Given that the existing building is to remain unchanged (externally), with a 'minor development' extension proposed on the existing hardstanding area, surface water will continue to discharge at the brownfield rate through the existing drainage network. Attenuation storage will therefore not be required.

It is considered that, subject to the appropriate conditions relating to evacuation plans, flood warning service commitment, and the provision of suitable design features to reduce/negate potential flood implications the development would be satisfactory.

Surface Water Drainage

The use of infiltration Sustainable Drainage Systems within the site is not considered to be viable due to the geology of site. However, as the proposal seeks to develop a site that currently comprises of either hard standing or built structure there are opportunities here to improve the overall drainage of the site.

As the site does not immediately adjoin a watercourse (the nearest being the Porter Brook) the proposal should seek to limit the run-off of surface water into the public sewers with attenuation measures restricting the flow of water.

It is not considered that the proposal would increase surface water-run off but attenuation measures to reduce the surface water run-off could be utilised.

Proposals to provide a rain garden are acceptable in principle but these may only serve the proposed extension and so the drainage systems for the existing building will need to be surveyed to incorporate SUDS or demonstrate retrofitting SUDS is not feasible/practical.

Given the above it is considered that any permission should be conditioned to require full details of a proposed surface water drainage design. Subject to this condition it is considered that the proposals can be acceptable with regard to policy CS67.

Sustainability Considerations

The NPPF details that the purpose of the planning system is to achieve sustainable development. The three overarching sustainability objectives set out in paragraph 8 relate to economic, social and environmental aims. The proposal involves the redevelopment of an existing building, in a sustainable location close to accessible services and which will support economic growth in the city. As such the proposal accords with the sustainability objectives set out in paragraph 8 of the NPPF.

In terms of the sustainability benefits it is considered that:

- i. The site is in a highly sustainable location.
- ii. The development includes for the re-development of previously developed land within the main urban area of the city.
- iii. The development includes for a substantial retention of an existing building rather than a wholesale demolition and re-build.
- iv. The development will provide for a positive economic impact in terms of job generation both during construction and thereafter in the commercial operation at ground floor.

Local Policy CS64, requires developments of this scale and type to provide 10% of their predicted energy requirements from low or renewable energy sources.

There are no detailed specifications describing how such requirements will be met but the applicant has committed to incorporate such measures having agreed the

details can be secured through condition.

It should be noted that the retention of the great majority of the existing building represents a significant positive in sustainability terms with energy requirements for demolition and disposal negated, energy and materials commitments (use of concrete/brick/stone) and the embodied carbon in the existing building.

In light of the above, it is considered that, subject to conditions, the proposal accords with the local and national policies in relation to sustainability.

Landscape Considerations

UDP Policy BE6 expects good quality landscaping in new developments. The site entirely consists of building and hardstanding and there is no loss of vegetation associated with the proposals.

There is little scope for planting at ground level but it is not considered that an absence of planting is a significant shortfall given the nature and form of the proposals and the existing site context.

The proposed rain garden will however provide opportunities for enhanced biodiversity on the site, and is expected to be located in close proximity to the footpath which will add visual interest.

Response to Representations

Matters relating to neighbouring and future occupant amenity, design, external materials, car parking, and the access pathway have been dealt with in the main body of the report or in amendments made to the application responding to the concerns raised – e.g. reduced operating hours.

Highways Officers do not consider a TRO is required for waste servicing on Neill Road.

SUMMARY AND RECOMMENDATION

The proposal site straddles a District Shopping Centre and a Housing Area. This raises no fundamental land use policy concerns.

On the Ecclesall Road frontage the proposal should restore a rather tired and dilapidated building and introduce a use that will add vitality to the District Shopping Area.

Concerns of noise disturbance have been considered, and the hours of operation restricted accordingly. Any issues relating to noise sources such as external planty can be adequately addressed through appropriate mitigation measures.

Whilst there is no dedicated off-street car parking within the scheme it is considered that the highly sustainable location and the presence of a residents parking scheme render this insufficient reason to resist the application.

Taking all of the above into consideration it is therefore felt that, the scheme meets the relevant requirements of the NPPF and UDP policies S7, S10, BE5, BE9, H10 and H14, Core Strategy policies CS34, CS64, CS67 and CS74, and the quoted paragraphs of the National Planning Policy Framework.

Accordingly, it is recommended that the application be granted conditionally.