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Case Number	23/00777/FUL (Formerly PP-11952761)
Application Type	Full Planning Application
Proposal	Erection of a single-storey building for use as a restaurant and drive thru (Use Class Eb and Sui Generis) with associated car parking and landscaping works (Amended Drawings 16.08.2023)
Location	Within The Curtilage Of KFC 236 Queens Road Highfield Sheffield S2 4DL
Date Received	07/03/2023
Team	South
Applicant/Agent	ID Planning
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.

1595-001 Rev C - Landscape Masterplan published 21.02.2024  
AMA-21694-ATR002 - Service Vehicle Tracking published 25.08.23  
A101 revision N - Proposed Location Plan and Site Plan published 21.02.2024  
A102 revision H - Proposed Plans and Elevations published 21.02.2024  
A103 revision B - Bin Store Details published 21.02.2024  
AMA/21694/ATR003 - Existing Site Access Tracking published 21.02.2024  
A104 Rev A - Existing and Proposed Street Scene - published 21.02.2024

Reason: In order to define the permission.

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

3. No development shall commence until a ground gas risk assessment has been undertaken and a desktop study report has been submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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.

4. Any intrusive investigation recommended in the Ground Gas Risk Assessment Desktop Study 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 the development being commenced. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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.

5. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation 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.

6. 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.

7. 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.

8. No phase of the development (including works of demolition, construction, or other enabling, engineering or preparatory works), shall take place until a Highway Management Plan (HMP) relevant to that particular phase has been submitted to and approved by the Local Planning Authority.

The HMP shall assist in ensuring that all Contractor highway / vehicle activities are planned and managed so as to prevent nuisance to occupiers and/or users of the surrounding highway environment. The HMP shall include, as a minimum:

- a. Details of the means of ingress and egress for vehicles engaged in the relevant phase of the development. 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;
- b. Details of the equipment to be provided for the effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway; and
- c. Details of the site accommodation, including compound, contractor car

parking, storage, welfare facilities, delivery/service vehicle loading/unloading areas, and material storage areas.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties and the protection of the free and safe flow of traffic on the public highway.

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

9. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation 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.

10. 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.

11. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

12. 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 building shall not be used 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.

13. The building shall not be used, until full details of a comprehensive delivery and servicing management plan have been submitted to and approved in writing by the Local Planning Authority. The management plan needs to include as a minimum, details of how car parking spaces are to be left vacant to allow for service/delivery vehicles to manoeuvre within the site, and likely servicing and delivery times. Thereafter, all commercial deliveries and servicing shall be carried out in accordance with those 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.

14. 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.

15. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

16. 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.

17. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Note / 03/04/2023 / Andrew Moseley Associates) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 62.08 metres above

Ordnance Datum (AOD)

- A water entry strategy shall be put in place for the development
- Flood resistance and resilience measures shall be included within the development

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 and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided via water entry.

18. Before the use of the commercial unit commences details of a waste and litter strategy which shall include measures including mesh panels to railing panels to prevent litter from the site entering the adjacent River Sheaf, and servicing, external inspection and litter picking across the site, shall have been submitted to and approved by the Local Planning Authority. The use shall then be operated in accordance with the approved details thereafter.

Reason: In the interests of preventing pollution of the River Sheaf.

### **Other Compliance Conditions**

19. No amplified sound shall be played within the commercial use hereby permitted at above background levels.

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

20. The external PA system shall only be used when ordering food and beverages and in an emergency in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at the site boundary:

- a) as a 15 minute LAeq, and;
- b) at any one third octave band centre frequency as a 15 minute LZeq.

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

21. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of nearby hotel and school 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 fume extract terminating.
- 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.

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.

22. The building and external seating areas shall be used for the above-mentioned purpose only between 06:00hours and 23:00hours on any day.

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

23. 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.

24. 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.

25. 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.

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. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq 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.
3. 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.
4. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;
  - Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;
  - Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
5. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [epsadmin@sheffield.gov.uk](mailto:epsadmin@sheffield.gov.uk).
6. The applicant is advised that separate permission is required for the signage on the new building and car park.

## Site Location





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## **LOCATION AND PROPOSAL**

Members will recall that this application was presented to the Planning & Highways Committee on 9<sup>th</sup> January 2024 where it was resolved to defer a decision on the application to allow for officers to further explore the relationship of the development (in particular bin storage location) to the adjacent River Sheaf Walk, to seek greater clarity on the acceptability of the access arrangements for two-way movements and to allow for a site visit to take place.

Officers have met with the applicants and their agents to discuss the above, and the outcome is an amended layout which relocates the bin store onto the Queens Road frontage and replaces it with a small area of landscaping, seating and cycle parking adjacent to the River Sheaf Walk. The bin store relocation has resulted in the number of car parking spaces for the development by 2 (from 10 to 8). It is confirmed that the bin store will serve both the existing KFC facility on the site, and the proposed Dunkin Donuts unit.

These matters are explained further in the relevant sections of the report below.

The application relates to a site located within the curtilage of KFC on the corner of Queens Road and Charlotte Road with the proposal utilising an area of existing car park to the southwest of the KFC restaurant. The site is in a prominent location which fronts onto Queens Road, a strategic road into and out of the city centre. The surrounding area is predominantly commercial. Directly opposite on Queens Road is a retail park consisting of units such as Asda, Poundstretcher and Home Bargains. Diagonally opposite the crossroad junction on Queens Road is also a B&Q superstore. To the rear of the site, and across the River Sheaf is a residential complex with series of blocks of student flats.

The site is located within Flood Risk Zone 3 and is within an allocated Housing Area as defined in the Sheffield Unitary Development Plan. It is also noted that within the Draft Emerging Sheffield Plan the site will be within a Flexible Use Zone, however limited weight is afforded to this as although the Draft Sheffield Plan was submitted to Government on the 06 October 2023, the Plan is not currently adopted.

The proposal will see the erection of a separate single storey building within the car park of the KFC. The new unit will be used as a restaurant and drive through (Use Class Eb and Sui Generis) and will utilise part of the existing car park for its customers by providing 6 parking spaces and 2 disabled parking spaces along with external cycle hoops, proposed landscaping works and external seating.

## **RELEVANT PLANNING HISTORY**

There is no directly relevant history for the proposed new unit, however there is history for the site dating back to 1977 when the site was originally a garage for servicing vehicles, to the erection of the KFC restaurant and drive through in 1998 under 98/00721/OUT. There have been subsequent applications for signage, changes to the restaurant and electric vehicle charging points.

In 2004 an application for a 4/6 storey block of flats under 04/00848/FUL was

submitted and refused owing to street scene concerns and inadequate living conditions.

## **REPRESENTATIONS**

### Originally Submitted Proposal

Following publicity of the original submission, 30 representations were received objecting to the proposal including from the Sheaf and Porter River Trust, who consider that a second fast food takeaway probably represents an over development creating congestion and conflict. The Trust goes on to suggest that in its current layout the proposal degrades and obscures visibility and accessibility of the river.

They suggested improvements to the existing riverside walk including providing wayfinder signage, clearing the riverbank of invasive species and altering the layout of the restaurant so that seating is provided by the riverside walk instead of close to Queens Road.

The majority of the representations received are from members of the Sheaf and Porter Rivers Trust, and though raising no objection to the principle of redeveloping the site, they reiterate the feedback provided by the Sheaf and Porter River Trust.

Other comments received include:

- Encourage people to make an event of going for a walk and a doughnut rather than driving.
- Concerned about the amount of generated litter.
- Environmental improvements suggested to the river within their ownership to demonstrate Biodiversity net gain.
- The river can be a lovely feature of sitting for customers.
- No more fast-food outlets needed.
- The site owner should be obligated as a condition to repair, de-weed and maintain the river wall.
- Health concerns for those using the current proposed seating area as a result of Queens Road being a busy throughfare and would not sit near the road due to particulates from the vehicles.
- Too many opportunities for public access to green space and active travel have been missed in the past, especially along the Sheaf.

### Amended Proposals

Following the publication of amendments, a second round of notification began on 25.08.2023. A further 22 representations were received, including a second comment from Sheaf and Porter Rivers Trust, Sheffield and Rotherham Wildlife Trust, Councillors Ruth Mersereau, Douglas Johnson and Martin Phipps. On letter of support was received.

### Objections

Sheaf and Porter Rivers Trust reiterates its previous comments, with the main

objections being to the restaurant layout not facing the riverside, public seating area best placed near the riverside, repair of the retaining wall, a new river sheaf walk sign and environmental improvements to the river. The Trust then goes on to raise that should public artwork contribution be merited that an arch to clarify public access would be welcomed. It is also mentioned that the placement of the cycle parking would likely attract theft.

Sheffield and Rotherham Wildlife Trust are supportive of the previous comments made by the Sheaf and Porter Rivers Trust and object to the application. They raise concern with the siting of the proposed building which they feel will obscure the river and assert that it is an opportunity for biodiversity improvements that make use of the river. They request that a biodiversity report is provided.

Additional individual objections received following the re-notification largely reiterate the previous comments and comments made by the Sheaf and Porter Rivers Trust.

Councillors Ruth Mersereau, Douglas Johnson and Martin Phipps, in summary raise the following concerns:

- The drive-thru facility would encourage more motor traffic.
- The active travel route from Charlotte Road to East Bank Road would be disrupted by drivers entering and existing the site.
- Support the Sheaf and Porter Rivers Trust objections.
- This application to increase motor traffic and hard surfacing is at odds with the climate and nature emergency declared by Sheffield City Council.
- The application has potential conflicts with Sheffield City Council's Waterways Strategy, Development Framework and National Planning Policy Framework.
- Quality and siting of the cycle parking is unacceptable and insufficient.
- Would like to see the removal of the additional 'drive-thru' aspect as well as the bigger car park.
- Would like to see infrastructure that enables walking and cycling to the site.
- Wish to see a revised application which shows:-
  - improving the open space will be a priority.
  - evidence of extending the city's green network.
  - a more significant biodiversity net gain; and
  - allows public access to the waterway

Support

- Would be a valuable addition to the area.

Other comments received include:

- The plans do not take proper consideration of the previous objections.
- Poor siting of bike parking with inadequate bicycle hoops.

## **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. As mentioned previously, the Draft Sheffield Plan has been submitted to the Government for examination in October 2023 and therefore has limited weight, additionally 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.

The most important Local Plan policies should be considered as out-of-date according to paragraph 11(di) of the NPPF. This is that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. In this instance, the site does not fall within a protected area and is not an asset of importance.

In this context the following assessment will consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.

#### Land Use

The application falls within a Housing Area as identified in the Unitary Development Plan (UDP). The UDP pre-dates the most up to date Use Classes Order, with UDP policy H10 listing Housing (previously C3 Use) as the preferred use and Food and Drink Outlets (previously A3 Use) as acceptable. Food and drink outlets (excluding public houses and take aways) fall within use class E - Commercial, Business and Service. However, the drive through and take away element of the proposal makes this a sui generis development – falling outside an identified use class.

Policy CS30 of the Core Strategy 'Jobs and Housing in the Sheaf Valley and Neighbouring Areas' part c) requires the Queens Road corridor to be non-residential and to accommodate business, industry, retail and leisure outlets not appropriate for the city centre or district centres.

This site is currently a Class E Use for a KFC restaurant and drive through, therefore the addition of a new restaurant and drive through unit is in line with the acceptable uses identified within policy H10 and CS30 c).

#### Flood Risk/Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. It seeks to ensure that more vulnerable uses are discouraged from areas with a high probability of flooding. It also aims to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, using Sustainable drainage systems (Suds), de-culverting watercourses wherever possible, within a general theme of guiding

development to areas at the lowest flood risk.

Policy CS67 is considered to align with Section 14 of the NPPF. For example, paragraph 165 states that inappropriate development in areas at risk of flooding should be avoided and development should be directed away from areas at the highest risk. Paragraph 173 states that when determining applications, LPAs should ensure that flood risk is not increased elsewhere with relevant applications being supported by a Flood Risk Assessment. Paragraph 174 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to demonstrate otherwise.

### Flood Risk Sequential Test

The site lies within flood zone 3 and a sequential test hasn't already been done for the proposed development, as such a sequential test is required. The purpose of the sequential test is to guide development to areas at lowest risk of flooding, by requiring applicants to demonstrate that there are no alternative lower risk sites available where the development could take place. The sequential test also considers the flood risk vulnerability of the site and the land uses.

In this instance, the search area for the sequential test has been limited to the area around the site which follows the Central Area Flexible Use Zone to the Flexible Use Zone from the emerging Sheffield Plan policy map which stretches from the edge of the city centre at St Marys Gate along Queens Road and finishes around the crossroads with Bramall Lane and Myrtle Road. Resultantly, the sites included in the sequential test are based around Queens Road and Bramall Lane.

Several sites were identified but discounted as they were either too small for the proposed development or intended for housing. Therefore, having reviewed the sequential test document, the Local Authority are satisfied the test has been passed in this instance.

There is no requirement in this instance to apply the exceptions test as the development represents a 'less vulnerable' use.

### Flood Risk Assessment

A Flood Risk Assessment (FRA) has been submitted. FRAs are detailed technical studies on flood risk at a site and its surroundings. Their purpose is to assess whether development will be safe for its lifetime and can be delivered without increasing flood risk elsewhere.

The FRA is considered acceptable following consultation with the Environment Agency subject to conditions relating to the finished floor levels. The finished floor levels of the building are set at 62.08 metres above Ordnance Datum (AOD). The landscape masterplan shows the car parking areas adjacent to the proposed new building (excluding any kerb heights) to be around 61.80 – 62.20 with a slight overall change in land levels across the site. However, access into the building is level, and the land level changes are not considered to result in significant concern.

## Design

Core Strategy Policy CS 74 'Design Principles' seeks to promote high quality development and it says that development should take advantage of and enhance the townscape and landscape character of the city's districts. UDP Policy BE5 'Building Design' says that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings, which is followed up through Policy H14 'Conditions on Development in Housing Areas' part a) which requires buildings to be well designed with buildings of a scale and nature appropriate to the site.

Chapter 12 of the NPPF aligns with the UDP and Core Strategy Policies and states good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is considered that the design policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF and therefore are considered consistent with the NPPF and so can be afforded significant weight.

This application proposes the partial loss of an area which is currently an otherwise unattractive and underutilised piece of tarmac being used as a car park. It has no architectural merit and therefore loss of a portion of the car park is considered acceptable in principle.

The proposal is for a single storey building set back from Queens Road, with parking to the east between the building and the existing KFC unit. The proposed building will be positioned near an existing three storey building to the south of the site which is currently a furniture and carpet shop.

The site is within an existing car park serving a KFC unit, and with the River Sheaf Walk running along the western boundary. These factors constrain the area available for the new building, customer parking and drive thru lane.

However Queens Road is a wide street with a somewhat open character as a result of many buildings being set back from the road edge particularly within the retail park opposite. On the western side of the road buildings are more commonly built to back edge of footpath and in the order of three storeys high. The site could accommodate a building of some scale in this context.

The scale and massing of the proposed single storey building, with its prominent elevation a side elevation of 4.8m wide, is considered to be somewhat under scaled for such a location fronting a wide arterial route and this plot would comfortably accommodate a building of a larger scale. The constraints of an existing drive through facility with circulation areas is acknowledged and limits greater scale to a degree.

The scale of the building, with the layout including a side elevation (albeit glazed) facing the main Queens Road frontage, represents something of a missed opportunity. Whilst this is considered a negative element of the scheme the side elevation does not lack interest, and the positioning of the seating area will add some activity to the Queens Road frontage. In addition the new seating area and planting

adjacent to the River Sheaf Walk will add interest here and potentially activity. The bin store on the Queens Road frontage is not a preferred solution however its relocation has enabled improvements to the relationship to the Sheaf Walk and the bin store itself is now contained within a brick housing with climbing plants on the Queens Road frontage, where the slight reduction in land levels also minimises its impact.

Overall, it could not reasonably be argued that this detracts from the appearance of the street given the site at present is an underused, quite bleak car park area.

The elevational details follow the corporate branding of Dunkin with a mixture of brick and cladding, with the front elevation being largely glazed and sections of the side elevation also being glazed where customers would sit inside the restaurant.

The main building will incorporate a dark grey or black brick and a large podium like feature will be clad in a light buff colour. Materials will be conditioned so that detail is provided and discharged.

Views to the riverside walk will still be available from Queens Road, with the building location maintaining its visibility. The building is cuboid in shape, with its narrowest elevation facing toward the highway and therefore minimising screening of the riverside walk, the number of leaderboards was reduced from three to two to further mitigate screening of the walk from Queens Road and whilst it is recognised that some visibility will be lost, it is also recognised that as discussed previously, a larger building would usually be expected in a plot of this size and location which would result in more significant screening of the riverside walk. In this instance, views of the walk are still available, and it is readily visible from Charlotte Road where the main entrance to the walk is and therefore the building is, on balance considered a reasonable response to context.

Overall the drawings, indicate a building that is typical of drive through/fast food facilities across the country and which, whilst somewhat under scaled for the location does relate to the neighbouring KFC unit and commercial appearance of the vicinity. It has no significant impact on the visibility and existing or future usability of the riverside walk. The overall siting of the proposal and its scale and massing whilst of a smaller scale than would usually be expected is appropriate for this location.

By the nature of the development, car parking will be a dominant feature of the proposal, however this is supplemented by soft landscaping, along the boundary to Queens Road which also consists of a knee rail fence. This represents an enhancement of the existing situation.

Core Strategy Policy CS73 'The Strategic Green Network' seeks to open up Sheffield's main river corridors, maintaining and enhancing them where possible.

The riverside walk has previously been provided and runs along the River Sheaf at the back of the site. The adjacent building at 264 Queens Road forms the end of this stretch of the River Sheaf Walk, and a gap in the existing knee rail fence fronting onto Queens Road forms an informal path for pedestrians across the car park onto Queens Road. The existing riverside walk was constructed to a standard with the



intention of being adopted in the future once more of the riverside walk is completed, however it is not currently adopted.

As such, it is not considered reasonable to require additional alterations or improvements to the riverside walk, as it is already constructed to sufficient standard. It is noted that other developments along the River Sheaf have required works to be undertaken to continue development of the route in the form of a section of riverside walk, however in these instances there was no existing riverside walk.

In this instance, requiring significant enhancement (including improved signage or works to the river bank) or maintenance of an existing section of walkway that does not currently form part of a defined route is not considered reasonable or proportionate in this context.

The applicant has however confirmed a willingness to provide mesh panels to the riverside railings and provide a waste and litter strategy which would provide details of servicing, external inspection and litter picking across the site. This is in response to concerns about the riverside stewardship issues raised by the Sheaf and Porter Trust and in recognition of the nature of the activity proposed. This is considered a proportionate response.

Therefore, it is considered that the overall design of the proposal is acceptable in this instance subject to finer details being controlled through conditions on any approval, complying with Policies H10, H14, BE5, CS74 and the NPPF.

#### Living Conditions

Policy H14 'Conditions on Development in Industry and Business Areas' part k) requires that new development should not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

The NPPF at paragraph 135 Part (f) requires a high standard of amenity for existing and future users.

The UDP policy is therefore considered to align with the requirement of paragraph 135 so should be given significant weight.

The closest neighbouring properties to the application site are blocks of flats to the rear (north/west) of the site, across the River Sheaf. The building itself is of a scale that will not create any adverse overbearing or overshadowing.

The flats are at a raised land level to the building with sufficient separation between to ensure no unacceptable loss of amenity shall occur.

Owing to the location of the site adjacent to Queens Road, there are fairly high levels of traffic noise in the area. However, there is the potential for adverse levels of noise later into the evening when traffic reduces, from sorting of waste materials within the site, the speaker/ordering post, and also from externally mounted plant and equipment. Relevant conditions on any approval can ensure appropriate hours of operation and for the sorting and removal of waste materials and also details of any

external plant/equipment.

Therefore, the proposal is not considered to impact adversely on the amenities of occupiers of any nearby neighbouring property, complying with H14 part k) and paragraph 135 of the NPPF.

## Highways

Policy CS51 'Transport Priorities' identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

UDP Policy BE9 'Design for Vehicles' requires that new developments should provide safe, and adequate parking provision including space to manoeuvre. UDP Policy H14 'Conditions on Developments in Housing Areas' part d) requires that proposals would provide safe access to the highway network and appropriate off-street parking.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 115 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Those local policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 111 and 112 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

It is proposed to utilise the existing access point from Charlotte Road, with the same vehicular path being taken for customers to both KFC and Dunkin, before the routes split with vehicles for Dunkin continuing toward the southern area of the site. This is acceptable in principle and following the deferral of the decision at the January Committee meeting tracking information has been provided demonstrating that the access functions adequately with two-way movement.

Identified pedestrian routes within the site will allow pedestrian access to the building from the riverside walk and from the direction of Charlotte Road meanwhile access from Queens Road will be via a gap in the knee rail fence toward the southern corner of the site.

The plans indicate that there shall be 6 parking spaces with an additional 2 disabled parking spaces. Cycle parking is proposed externally within the site near the riverside walk.

Vehicle tracking has been submitted which shows a delivery and a refuse vehicle turning within the site. Whilst it is acknowledged that this does rely on some of the

car parking spaces being empty to enable the vehicles to turn within the site before delivering products/picking up waste, this is acceptable and has been shown to work for other similar scenarios relating to convenience stores/food outlets. A service/delivery management plan can be controlled through condition on any approval which will detail how they will 'cone off' areas of parking, use banksmen when manoeuvring and likely servicing outside of the peak hours.

No alterations are proposed to the riverside walk as it is already constructed to an adoptable standard. The level of parking accommodation and site layout are considered acceptable and will not adversely impact on highway safety, complying with H14 part d), BE9, CS51 and the NPPF.

## Sustainability

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reducing the city's impact on climate change. These actions include:

- Giving priority to development in the city centre and other areas that are well served by sustainable forms of transport.
- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems (SuDS).

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' requires all new buildings to achieve a high standard of energy efficiency, making the best use of solar energy, passive heating and cooling, natural light and ventilation.

At the heart of the NPPF, there is a presumption in favour of sustainable development (paragraph 11), with paragraph 157 stating that the planning system should support the transition to a low carbon future in a changing climate.

The site is located in the main urban area, on previously developed land, which is served by sustainable forms of transport and within walking distance of local housing and other local commercial/retail facilities.

It is confirmed in the submitted planning statement that the proposed building comprises sustainable materials providing a high standard of energy efficiency in accordance with new (2022) Building Design Standards. However, no greater detail is provided therefore compliance with the aims of the policy will and can be secured by condition.

Policy CS67 requires all developments to significantly limit surface water run-off, and to utilise Sustainable Urban Drainage Systems (SUDS) where feasible and practical, including the use of permeable paving on sites of less than 1 hectare.

A submitted drainage strategy plan outlines that as the site is currently developed, with an existing drainage infrastructure in place and that the site's existing impermeable area will not be changing there is no requirement to provide attenuation. The strategy also states that a new foul water and drainage layout will

be created to connect into the existing drainage infrastructure as the changes to the site are small.

The Lead Local Flood Authority (LLFA) advise that this unacceptable and that local and national policies apply which require discharge to the highest available in the hierarchy, in this instance discharge to the river Sheaf as per the National Planning Policy Framework (NPPF), this was fed back to the agent alongside additional advice that surface water discharge should be limited and incorporate a SUDS system so that it is in line with policy CS67.

At the time of writing this matter is unresolved but this is not a barrier to determining the application as the details can reasonably be required and approved under an appropriate planning condition.

Overall, it is considered that the proposal meets or is capable of meeting the local sustainability policy requirements in CS63, CS64 and CS67 and the NPPF.

### Landscaping and Ecology

UDP Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected.

Policy BE6 (Landscape Design) expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

CS74 'Design Principles' part (a) requires high-quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF and therefore be relevant to this assessment on the basis that paragraph 135 expects appropriate and effective landscaping, along with sympathetic developments including landscape setting.

At present the site does not contain any trees as it is an existing car park. There is a strip of low-level shrub planting on the southern boundary with 264 Queens Road which shall be removed to allow access along the side of the building for staff and maintenance. The amended drawings include a landscape plan that shows two trees with an area of shrubs below to the boundary fronting onto Queens Road, along with the greening of the bin store. Providing new tree planting here is considered a positive aspect of the scheme. There is also a small hedge proposed to the northern elevation of the site following relocation of the bin store, facing toward the riverside walk.

Detail of the planting has been provided and indicates that the trees will be Sorbus (Rowan), the hedge will be a low Fagus (Beech) and the shrubbed areas will be a mixture of small shrubs such Hebes, Viburnum and Cotoneaster no taller than 40cm but will provide some level of habitat and benefit for wildlife.

No ecological assessment was provided during the application. The applicant's Planning Statement states it was not provided due to the existing use and site

treatment which is currently an area of hard surfacing used as a car park and therefore has no benefit to wildlife. Further to this, the development site is already likely to benefit from a low ecological baseline. A landscape scheme has been submitted, with detail provided showing a mixture of trees and low shrubs proposed, subsequently a condition will secure the implementation and maintenance of the landscaping.

#### Land Contamination

The site has a previous industrial use and as such may be contaminated.

Therefore a suite of land contamination conditions will be added to any approval to ensure that appropriate measures/mitigation are taken.

#### Community Infrastructure Levy

CIL has been formally introduced in Sheffield; it applies to all new floor space and places a levy on all new development unless exemption can be proved, or the development is less than 100sqm. The money raised is put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc.

A CIL Additional Information form has been submitted as part of the application and as the development does not include 100 square metres gross internal area, it is therefore not CIL liable.

### **SUMMARY AND RECOMMENDATION**

In accordance with Paragraph 11(di) of the NPPF, where policies that are most relevant for determining an application are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development.

Amended plans have been received which slightly amend the layout and provide some soft landscaping which will deliver some benefit. The scheme proposes a development with some shortcomings in terms of layout and scale, but these are considered a missed opportunity rather than harmful to the street scene and accepted given the constraints of the site being within a car park to an existing operating facility. This therefore represents an enhancement of the site with the introduction of soft landscaping on the frontage and utilises previously developed but currently under used land which is acceptable in land use terms.

There will be no adverse impact on ecology, landscaping, highway safety matters, or on the amenities of the closest neighbouring properties, subject to appropriate conditions for mitigation measures/improvements. An existing riverside walk will remain and shall be available for members of the public to use. No alterations to the walk were sought it is already constructed to an adoptable standard.

It is therefore recommended in this instance that planning permission is granted subject to relevant conditions.

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