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Case Number	18/01048/FUL
Application Type	Full Planning Application
Proposal	Application to extend opening hours to 19:00 hours on Tuesdays and Thursdays and to 17:00 hours on Saturdays and to open for emergencies only between 08:00 and 20:00 hours on any day (amended description) (Application under Section 73 to vary condition No. 5 (operating days/times) as imposed by planning permission No. 18/00114/FUL
Location	37 Townhead Road Sheffield S17 3GD
Date Received	14/03/2018
Team	South
Applicant/Agent	Hightrees Clinic
Recommendation	Grant Conditionally

#### Time limit for Commencement of Development

1. The development must be begun not later than the expiration of three years from the 7th of March 2018

Reason: In order to comply with the requirements of the Town and Country Planning Act.

#### Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the Red Line Plan and Floor Plan scanned on 10 January 2018 and submitted as part of planning application 18/00114/FUL .

Reason: In order to define the permission.

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

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

3. 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.

Other Compliance Conditions

4. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order, the unit shall be used solely for the use hereby permitted and shall not be used for any other purpose within Use Class D1 (Non-Residential Institutions).

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

5. No customer/patient is permitted to be on the premises outside of the following hours, unless it is for an emergency:

- Mondays, Wednesdays and Fridays between 09:00 and 18:00 hours.
- Tuesdays and Thursdays between 09:00 and 19:00 hours.
- Saturdays between 09:00 and 17:00 hours.

The hereby approved use can open to provide emergency treatment only between 08:00 and 20:00 hours on any day. Emergencies being defined as a patient with bleeding, swelling or severe pain.

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

Attention is Drawn to the Following Directives:

1. Where conditions require details to be submitted, an Application for Approval of Details Reserved by Condition is required (unless the condition gives the option of implementing the details already submitted). The Local Planning Authority is expected to determine these applications within 8 weeks of being validated, so it is essential to include all the information required. Apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). There are fees, which are also set by the Government.
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where

necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## PROPOSAL

Planning permission was approved under delegated powers for a dental surgery (Use Class D1) at 37 Townhead Road in March 2018, under planning reference 18/00114/FUL.

Although works are ongoing in respect of the conversion, the use itself is yet to commence. The applicant has however revisited the proposals and decided to seek revised hours of operation through a variation to Condition 5.

The original application sought permission to operate during the following hours, which was deemed as acceptable:

- Monday to Friday between 09:00 and 18:00 hours.
- Saturdays between 09:00 and 14:00 hours.
- No opening on Sundays and Bank Holiday Mondays.

This new proposal seeks the following alterations to the original approved hours:

- To open for an additional hour (until 19:00 hours) on Tuesdays and Thursdays.
- To open for an additional three hours (until 17:00 hours) on Saturdays.
- To have the ability to provide emergency out of hours treatment for patients between 08:00 and 20:00 hours on any day.

It is noted that the proposed permanent extended hours have been reduced during the course of this application in response to the number of objections raised. The original proposal sought the following:

- To open until 19:30 hours Monday to Friday.
- To open for an additional three hours (until 17:00 hours) on Saturdays.
- To open between 10:00 and 16:00 hours on Sundays.

## LOCATION

This application relates to a two storey semi-detached property located within a Local Shopping Centre and the Dore Conservation Area, as defined by the adopted Sheffield Unitary Development Plan (UDP).

The ground floor of the property was last used as a post office and a residential apartment is situated on the first floor.

The adjoining property, along with the other properties to the east, also falls within the defined local shopping with commercial uses at ground floor and a variety of uses on the upper floors, including further residential apartments.

Family housing is set to the direct west of the application site and across Townhead Road to the north.

## RELEVANT PLANNING HISTORY

Planning permission was approved for a dental surgery (Use Class D1) in March 2018 under planning reference 18/00114/FUL.

Prior to this the premises were in use as a post office with no restrictions on hours of use.

## SUMMARY OF REPRESENTATIONS

Councillor Martin Smith has written in twice to object to the proposal for the following reasons:

- The Sunday hours would cause noise and disturbance to neighbouring properties and none of the other retailers along Townhead Road open on a Sunday.
- It is disappointing that the applicant has applied to vary the planning conditions so soon after the original planning application was approved.
- Emergency appointments are already available at another practice operated by the applicant in Sheffield.
- Some new windows have been inserted into the rear of the property.

Councillor Colin Ross has written in twice to object to the proposal for the following reasons:

- The extended opening hours would cause disturbance to neighbours.
- Opening seven days a week would be out of step with other commercial premises in the village centre.
- The need for emergency cover would have been known during the original application and should have been made clear then.
- The windows to the front have been altered and a new window has been added to the rear of the unit.

There have been twelve individual letters of objection to the proposals, two being from the Dore Village Society, and the others from local residents. These raise the following matters:

- The revised hours are excessive and not suitable for the location, which is adjacent to residential properties.
- The proposals will create noise and disturbance, which includes general comings and goings from customers and staff and vehicles associated with the use.
- The proposals will impact on the privacy of surrounding residents.
- The highway in front of the unit is narrow and already congested with limited car parking. The proposals would exacerbate such matters and many customers will arrive by car.
- The applicant has been misleading in acquiring planning permission for the lesser hours and then reapplying. It is difficult to believe that the need for extended hours was not known at the time of the first application. This is disrespectful to the planning system and other interested parties, including the neighbours.
- This is a private business and not a public amenity.
- Dore is a traditional village with Sunday being a quieter peaceful day, allowing children to play in the street. This proposal would be contrary to this.
- Allowing these extended hours would set a precedent for other businesses, which at present do not open during such hours/at weekends.

- It will be extremely difficult to monitor the use of extended hours for emergency dental treatment only, to ensure compliance. This could create a sense of frustration and unease in the community.
- The applicant already has a dental practice in the city that has emergency cover so why can't emergencies be dealt with at this alternative location.
- External alterations have taken place to the property without planning permission.

A petition has been received alongside a further letter with 47 signatures attached to it. This raises objections to the scheme on the following grounds:

- Increased noise and disturbance, which would negatively impact on the quality of life for surrounding residents.
- Increased traffic and problematic parking situations in an already congested village centre.
- This could set a precedent for other businesses in the village, which would impact on the village atmosphere and identity.
- How clinical waste will be dealt with is a real concern as the passage to the side of the property is only wide enough for a standard domestic black bin. A larger bin could create noise and also damage the neighbouring property.

## PLANNING ASSESSMENT

As this application is for an extension to the approved hours, the following assessment will only focus on the relevant material considerations, rather than assessing all matters again, such as land use, given that the principle of the use has already been accepted.

### Amenity

Section b) of Policy S10 (Conditions on Development in Shopping Areas) within the UDP states that new development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

It is firstly noted that, in response to initial objections from third parties, the applicant has revised down the proposed permanent hours of opening, which includes restricting Sunday opening to emergency treatment only. It is, however, acknowledged that the objections to the proposals remain.

In order to help understand the likely impact of the proposed additional opening hours the applicant has provided a supporting statement that highlights the following points:

- The types of appointments that will be provided during the proposed permanent hours will generally require between 30 minutes and three hours each. As such, based on there being two treatment rooms, the additional permanent patient numbers will be a maximum of 4 people for the additional hour on Tuesdays and Thursdays and 12 people for the additional three hours on Saturdays.

- The applicant has also provided supporting information that makes it clear that as part of their Denplan/Simply Health contract there is a duty of care to provide some out of hour's emergency cover. In this case this would typically be in situations where a patient would contact the surgery with bleeding, swelling or severe pain not controlled by over the counter medication. (For reference Denplan/Simply Health is a leading dental payment plan specialist).

Whilst it is always difficult to predict when such an emergency would occur, the applicant has stated that it is rare and generally they would try to accommodate such patients at the start or at the end of a normal clinic.

However, in terms of numbers of people on the premises in the case that such an emergency would need to be dealt with on a Sunday for example, this would typically involve the patient and no more than three members of staff.

Having offered the above information due consideration, and taking into account the relatively quiet nature of the use and its position in an existing established shopping centre, it is not considered that the impact of the additional hour on a Tuesday or Thursday, or the afternoon opening on a Saturday, would lead to any unacceptable noise and disturbance to surrounding residents.

With respect to the emergency opening, it is accepted that this would be infrequent and there would be a very limited number of people in attendance during such incidents. Taking this into account, and given the nature of the use, it is concluded that it would be unreasonable to refuse the extended hours of operation on the grounds of noise and disturbance.

The proposal is therefore concluded to result in an acceptable impact on the living conditions of nearby residents.

## Highways

Section f) of Policy S10 (Conditions on Development in Shopping Areas) within the UDP states that new development should be adequately served by transport facilities and provide safe access to the highway network and appropriate off street parking and not endanger pedestrians.

It is accepted that the section of Townhead Road in front of the unit does narrow at this point, and parking in the area can be difficult. However, given the limited proposed increase in the operating hours of the approved use and its location within a Local Shopping Centre (which is readily accessible via public transport and within easy walking distance for the surrounding community who are likely to use this facility), the scheme continues to give rise to no concerns from a highway perspective, particularly since the increase in hours will not result in any increase in the numbers of patients / staff on the premises at any one time.

It should be borne in mind that the proposal is replacing an established commercial use, which would have generated vehicle movements and parking. There is also some limited off-street parking on the forecourt.



## RESPONSE TO REPRESENTATIONS

A number of the issues raised in the representations have been addressed in the above assessment. The outstanding matters are addressed as follows:

It is disappointing that the applicant has applied to vary the planning conditions so soon after the original planning application was passed.

- In response, it is understood that the applicant made a genuine error on the original application forms.
- Nevertheless, an applicant is entitled to apply to vary conditions at any point and each scheme is considered on its individual merits.

The proposals will impact on the privacy of surrounding residents.

- In response, the relationship between the commercial use and the surrounding residents in respect to privacy will be no different than was the case with the previous use, particularly given the ground floor nature of the use.

Dore is a traditional village with Sunday being a quieter peaceful day, allowing children to play in the street. This proposal would be contrary to this.

- In response, it should be pointed out that there are businesses within the existing centre that do operate in the evenings and at weekends, including Sundays. Of particular note is the Coop convenience store which opens between 0700 hours and 2200 hours every day.
- It is also noted that there would have been no planning restrictions preventing a retail use moving into this vacant building and operating without planning controls on hours, given the historic established A1 retail use of the Post Office.

Allowing these extended hours would set a precedent for other businesses, which at present do not open during such hours/at weekends.

- In response and as already stated, there are businesses in Dore such as public houses and the Coop convenience store that do operate in the evenings and at weekends. Furthermore, each future application would be judged on its own merits.

It will be extremely difficult to monitor the use of extended hours for emergency dental treatment only, to ensure compliance. This could create a sense of frustration and unease in the community.

- In response, it is accepted that monitoring emergency opening would be a strain on resources. However, it is possible if genuine problems arise.

- It is also unreasonable to simply assume that a planning permission/condition would be breached.

The applicant already has a dental practice in the city that has emergency cover, so why can't emergencies be dealt with at this alternative location.

- In response, it is not for the Local Planning Authority to dictate that the applicant must undertake emergency treatments at an alternative location. It is for the LPA to judge the application before it on its merits.

External alterations have taken place to the property without planning permission.

- In response, these matters are separate to the consideration of this application but are in the process of being investigated.

How will clinical waste will be dealt with as the passage to the side of the property is only wide enough for a standard domestic black bin. A larger bin could create noise and also damage the neighbouring property.

- In response, a clinical waste bin does not need to be larger than a domestic black bin and the applicant has confirmed their intention to store the bins in the rear garden area.

## SUMMARY AND RECOMMENDATION

The use of the premises as a dental surgery has already been established by the granting of planning permission in March this year. This application deals solely with a proposal to extend the operating hours of the business by one additional hour on Tuesday and Thursday evenings; to operate on Saturday afternoons and to allow for genuine emergency appointments between 8am and 8pm on any day.

Given the previous use of the premises as an A1 retail use with no restrictions on hours of use; and the position of the premises in a sustainable location within an established local shopping centre it is considered that the additional hours requested will not result in unacceptable impacts and it is therefore recommended that planning permission is granted subject to the listed conditions.