
Case Number	18/01688/FUL
Application Type	Full Planning Application
Proposal	Change of use of ground floor from residential (Use Class C3) to retail (Use Class A1), and provision of new shop front (Amended description and amended plans received 24th September 2018)
Location	104 Page Hall Road Sheffield S4 8GW
Date Received	01/05/2018
Team	West and North
Applicant/Agent	Kiran Shaheem Mahmood
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

Proposed Plans & Elevations received 24th September 2018

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. The proposed shop shall not be used on any Sunday or any Public Holiday and shall be used only between 09:00 hours and 17:00 hours on any other day.

Reason: In the interest of the amenity of occupiers of neighbouring residential properties.

5. Commercial bins associated with the use hereby permitted shall not be stored at the front of the properties apart from on collection days, and shall not be stored on the public highway.

Reason: In the interests of the amenities of the local area and in the interests of pedestrian and highways safety.

6. Commercial deliveries to and collections from the building shall be carried out only between the hours of 07:00 to 23:00 on Mondays to Saturdays and between the hours of 09:00 to 23:00 on Sundays and Public Holidays.

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

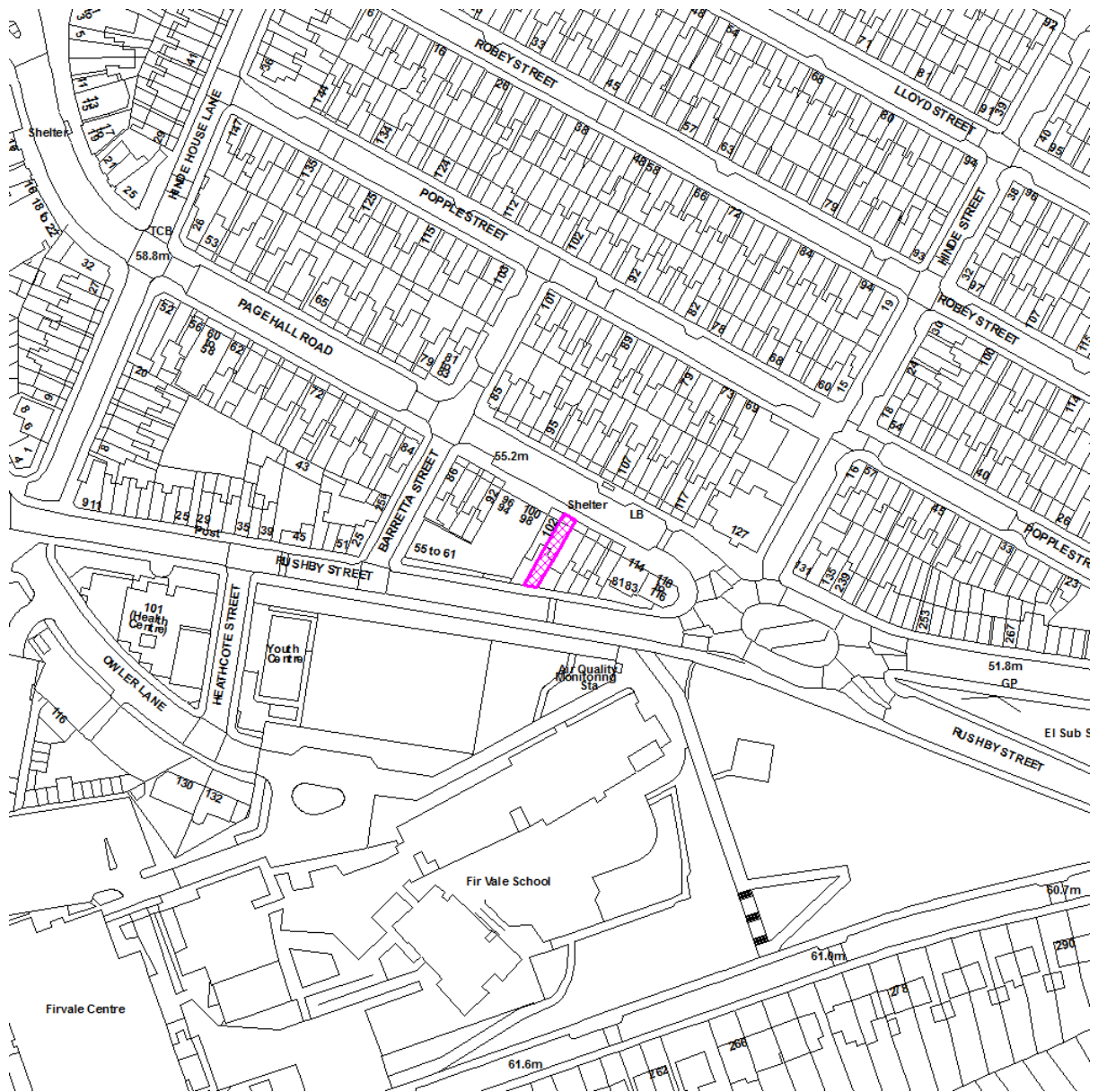
7. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 07:00 to 23:00 Mondays to Saturdays and between the hours of 09:00 to 23:00 on Sundays and Public Holidays.

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. The applicant is advised that signage is not approved as a part of this permission and this may require separate Advertisement consent.

Site Location



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LOCATION AND PROPOSAL

The application site relates to a mid-terraced residential property on Page Hall Road. The property is part of a row of four residential properties, which are adjoined by retail premises either side. The property lies within a housing area as defined by the Sheffield Unitary Development Plan, however the street scene has numerous retail units located on it. A number of these retail premises are historical uses, notably those located on corner plots. There are a number of properties which have received planning permission for a change of use from a dwellinghouse to a retail unit. There is also a large unit two doors down from the application property, which was granted planning permission for an extension to an existing building to form a retail unit. This neighbouring unit extends back onto Rushby St to the rear and up to Barretta St. It is understood this larger unit previously housed retail units and an MOT garage.

The site is located near to two designated Local Shopping Centres; one nearby on part of Page Hall Road and Firth Park Road, and the other encompasses part of Owler Lane.

This application seeks planning permission for the change of use of property from residential (Use Class C3) to retail (Use Class A1) and provision of new shopfront.

Amended plans have been received, omitting a first floor rear extension following officer advice.

RELEVANT PLANNING HISTORY

88 Page Hall Road

17/01804/FUL - Change of use of ground floor to form shop (Use Class A1 - Retail) including new shop front and erection of external rear stairs (Amended Plans received 19th September 2017) – Granted Conditionally

90 Page Hall Road

16/04781/FUL - Continuation of use as a retail unit (Use Class A1) and retention of shopfront – Granted Conditionally

SUMMARY OF REPRESENTATIONS

Thirteen letters of representation have been received. This includes objections from Gill Furniss MP, 4 local councillors, 3 local residents, and Firvale Community Hub.

Gill Furniss MP has commented with the following:

‘This is a location with a severe litter and fly tipping problem. I would be concerned about any use being agreed that would allow exacerbation of the litter issue without clear conditions to mitigate this. This location also is difficult for parking and has significant noise concerns. I would like planners to fully consider whether conditions can be placed to adequately ensure these issues are not increased in severity.’

Cllr Mark Jones' comments are summarised below:

- Constituents raised concerns with regards to parking and noise disruption for neighbours.
- Concerns of increasing conversion of housing into retail.
- Conversions are damaging community integrity and adding to environmental pressures – which are already intolerable.
- Concerns that if granted, a license will be granted in the future for a fast food outlet – oppose further fast food outlet.

Cllr Talib Hussain's comments are summarised below:

- Objection to the application and support for the local resident's stance that more parking problems, litter and noise nuisance for the area will occur.
- There are big environmental issues in the area.
- It is a residential area, not a retail quarter.

Cllr Shaffaq Mohammed's comments are summarised below:

- Received concerns from local residents notably in relation to noise and disruption this development will cause neighbouring properties.
- Parking cited as a concern and further traffic generation.
- The area is residential, opposition to encroachment of retail.

Cllr Jackie Drayton's comments are summarised below:

- Changes would be out of keeping, as the property is in a residential terrace.
- Plenty of retail in the area, this would be over massing and change the nature of this terrace.
- Additional traffic and blocking of highway. There is limited parking in the area as existing and Page Hall Road is very busy.
- Disposal of waste - no mention of where the bigger waste bins for a retail unit will be sited.
- The area already has a problem with litter and dumping of waste on street – changing to a retail unit will add to this problem.

- This change would have a detrimental effect on neighbouring properties.

Objections have been received from 3 local residents and are summarised below:

Planning considerations

- There are enough shops in the neighbourhood.
- The proposed extension to the rear will cause issues (in relation to No.106).
- Concerns over parking, as there are existing issues.
- Concerns that the 1 blue badge parking space will be used by customers of the shop.
- Concerns over noise nuisance.
- Concerns over vermin if to be a grocery store or takeaway.
- Concerns over people loitering and congregating on street, especially outside shops causing antisocial behaviour.
- The property is a house, although if the first floor flat above the shop is rented, concerns over noise disturbance and further parking problems.
- Inaccuracies on the plans – front elevation not a true depiction, rear dormer drawn smaller, second floor plan of flat not submitted, absence of street scene elevations to front and rear.
- Loss of family home, in conflict with the NPPF.
- Rear extension would be out of character to the street, notably from Rushby Street.
- Cramped conditions of first floor living accommodation.

Non material planning considerations:

- Concerns that adjacent property values will decrease.

Julie Blacker, Community Work at Firvale Community Hub has commented with the following:

- Application was discussed at Neighbourhood Watch meeting where 18 people attended and requested that an objection was made.

- Concerns over increased litter, in an area that suffers from high environmental issues, and a recent financial investment of £800,000 has been put in place by SCC to tackle this.
- Concerns that increased footfall will increase noise, traffic and gathering, impacting on neighbouring properties.
- Potential to decrease house values.
- Increasing the number of shops will have little, if any value to Page Hall, which has numerous outlets.
- The impact to local residents living conditions will be detrimental.
- Ask that SCC reconsider conversion of houses to retail outlets for the good of local residents and the wider community.

PLANNING ASSESSMENT

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within such areas UDP Policy H10 lists houses as being the preferred use; however small shops (Use Class A1) (floor space of up to 280 sq metres) are detailed as being an acceptable use.

UDP Policy H14 sets out conditions for development within housing areas.

The National Planning Policy Framework states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered

Use

Small shops (A1) are accepted under UDP Policy H10. The property would create approx. 30 sq. metres of floor space being used for retail purposes on the ground floor and therefore complies with UDP Policy H10.

There are no available units in the nearby local shopping centre and therefore a sequential test was not considered necessary in this instance. Given the limited scale of the proposal, the development is not considered to have a harmful effect on the vitality or viability of the local shopping area.

It is noted that local residents have raised concerns that there is an increasing number of conversions from residential to retail happening in the local area. Comments also state that there is enough retail in the local area, there is no requirement for further retail and the area should remain residential in character.

Policy H10 does state that housing (Use Class C3) is the preferred use in housing areas, however small shops (Use Class A1) are also accepted. This policy also states that housing is preferred because conversion of existing houses to other uses would lead to a loss of housing; however this policy does not state any figures or guidelines as to when a change of use to retail would be considered to harm the supply of housing in such areas. Page Hall Road has a clear mix of housing and retail on the street scene. A number of these uses are historical, however a number have benefitted from planning permission to change from residential to retail. Considering the housing area as a whole as defined under the Sheffield UDP, the change of use of the application site would have a negligible effect to the supply of housing, as housing would clearly be the dominant use in the area. The other argument is whether the change of use would fundamentally change the character of Page Hall Road, which has a distinct mix of uses.

Policy H10, as well as H14 states that new uses, such as small shops are acceptable providing they do not damage the appearance and residential character of a housing area or cause disturbance to people living there. These matters will be discussed in the following sections of this report.

First Floor Apartment

The application is to change the use of the ground floor to a retail unit and retain the first floor in residential use. It is noted that Part 3, Class G of The General Permitted Development Order (Amended) 2015 states that development consisting of a change of use of a building from an A1 retail use to a mixed use for any purpose within Class A1 and as up to 2 flats would be permitted development. Therefore, if the current proposal was to change the whole property to residential and was thus deemed acceptable and granted, permitted development rights would allow the creation of two flats above. The GPDO further stipulates that where the proposal involves the change of use of a building with a display window at ground floor level, the ground floor level must not be used in whole or in part as a flat.

Further to the above, it is not uncommon to have residential accommodation above a retail use. The submitted plans show that the first floor would be self-contained, accessing being taken from the rear of the property.

Design

Shopfront

The property is from the Victorian period and therefore would have originally had a front bay window to match the other traditional residential properties on the street. The original bay window has at some point been removed, and a newer box bay window has been erected, which runs across the whole width of the property to include an entrance porch. The porch is divided from the box bay by an internal partition wall.

The proposal is to create a shopfront, which would have a similar appearance to the existing box bay window and would project to the same extent. The appearance

would be similar to existing but would include additional brickwork to the outer edges. Ultimately, the appearance is considered to have a negligible impact to the street scene and would have a similar appearance to the existing window. The existing partition wall and the original wall behind the shopfront, which currently separates the existing porch and box bay would be removed, meaning the entrance door would give access straight into the property. Whilst the proposal would have a similar appearance as existing, it should also be noted that there is a strong mix of both residential properties and commercial units with shopfronts on the street and therefore a shopfront would not be out of character for the area.

The proposed appearance is considered to have a negligible impact upon the appearance of the street scene and is therefore considered to comply with Policy H10 and H14 of the UDP.

Effect on the Amenities of Residents and the Locality

There are residential properties adjacent to and opposite the site.

The proposed use would generate an increase in movement of pedestrians to and from the site, and would potentially see an increase in customer's vehicles and delivery vehicles in the immediate vicinity of the site. The proposal is for a small shop, which is accepted under Policy H10, and therefore it is considered that the increase in pedestrian and vehicle movements generated by this proposal would not be so significant that it would cause harm and disturbance to the living conditions of adjacent and nearby residents or occupiers of commercial properties in the locality. It should also be noted that Page Hall Road is a main through route towards the main shopping area centred at the top of Page Hall Road and Firth Park Road, and therefore the area currently experiences a high level of pedestrian and vehicular movements, and associated background noise. It is therefore not considered that the introduction of a further retail unit would create such additional movements that would cause significant amenity issues.

Given the proximity of residential properties however, a condition is recommended to be attached restricting the hours of use to between 0900 hours and 1700 hours on any day to limit the propensity of pedestrian movements associated with the use to general working hours – which is in line with other recent approvals in the area. It is noted that a number of existing local commercial uses have unrestricted opening hours, however this is due to them not being subject to planning control as they are historical uses.

Should members be minded to approve the application, it is also considered necessary to impose conditions to restrict delivery and service hours, and also waste collection and disposal to minimise the impact upon adjoining residential properties.

The proposed shopfront would be similar to the existing bay window, projecting no further forward, and therefore it would not affect neighbouring living conditions.

Waste storage

Details have not been submitted with regards to waste storage in connection with the proposed retail unit. There is a rear yard with sufficient space to store commercial bins, which has the benefit of access from Rushby Road at the rear. A condition is recommended to be attached to ensure that waste bins are not stored at the front of the property and not stored on the public highway. This is considered necessary to ensure the proposal does not affect neighbouring properties or harm the appearance of the street.

As mentioned previously, a condition is also recommended to be imposed to restrict waste collection hours.

Highway and Transportation Issues

UDP Policy H14 relates to conditions on development in Housing Areas including matters of highway safety.

The property has no off-street parking and on-street parking is currently at a premium. The site is however in a sustainable location close to bus routes and local facilities. It is noted that the proposal is for a relatively small retail shop, which is likely to generate local trips, similar to the other local shops nearby and therefore dependence on the car is unlikely in this instance.

The NPPF is clear that development should only be prevented on highways grounds if there would be an unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe. The NPPF also states that appropriate opportunities to promote sustainable transport modes can be taken up depending on the type of development and its location. In this instance, whilst lack of designated parking is not ideal, the shop would be located in close proximity to bus stops and would be close to other retail units and the nearby shopping centre. Trips to the premises are therefore likely to be made on foot by passing trade, or by those currently accessing other retail shops in the local area. The proposal is therefore considered to accord with the NPPF and cannot be argued to have such a severe impact upon the highway network to justify a refusal.

A condition is recommended to be imposed to prevent bins from being stored on the public highway for reasons of safety.

RESPONSE TO REPRESENTATIONS

The application is to change the use of the ground floor of the building to an A1 use. It is noted that there are concerns that the property could be used as a Hot Food Takeaway (Use Class A5). This would require a separate planning permission.

A number of concerns have been raised with regards to existing litter, fly tipping and other environmental problems in the area. It is understood that Sheffield City Council has invested money to try to resolve these issues, as mentioned within one of the representations. These problems are wider issues for this particular area and not directly connected with this planning application. There is no evidence to hand to suggest that an additional small shop would exacerbate the existing issues within the area, ultimately these are existing issues. Furthermore, there is no evidence to

suggest that the problems are directly connected to retail within the area and therefore it would be unreasonable to recommend refusal of the application on the basis of existing problems.

SUMMARY AND RECOMMENDATION

This application seeks planning permission for the change of use of the property from residential (Use Class C3) to retail (Use Class A1), including the provision of a new shopfront.

As discussed within the body of the report, the proposed use is accepted under Policy H10 of the Unitary Development Plan.

The proposed shopfront is not considered to be significantly different from the existing box bay window, and thus is considered to have a negligible impact to the character of the street scene. It should also be noted that the street scene has a distinct mix of retail and dwellinghouses, although it is accepted that the property is located between existing residential properties.

Given the wider context of the building being located on a street with both commercial and residential premises, which is a key vehicular and pedestrian route towards the main local shopping centre centred on Page Hall Road and Firth Park Road, it is not considered that a shop of this size would have such a harmful affect to neighbouring residential premises. The proposed use is only likely to generate local trips, or passing trade from people visiting the current array of retail in the area. Conditions are however recommended to be attached restricting opening hours, waste collection and deliveries, to limit any potential disamenity to neighbouring properties.

No off-street parking is to be provided for the use, and on-street parking is currently at a premium. The proposed use is likely to generate local trips, similar to the other local shops nearby and therefore dependence on the car is unlikely in this instance.

For the reasons set out in this report and subject to the imposition of conditions, the proposal is considered to comply with UDP Policies H10, H14 and BE5, and Policy CS74 of the Core Strategy, and the aims of the National Planning Policy Framework (NPPF).

It is recommended that planning permission is granted subject to conditions.

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