
Case Number	18/03472/FUL
Application Type	Full Planning Application
Proposal	Change of use to restaurant/cafe (Use Class A3) including new entrance doors and retention of Use Classes A1 & A2
Location	Disused Public Convenience Common Side Sheffield S10 1GG
Date Received	06/09/2018
Team	West and North
Applicant/Agent	Haywood Design
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 shall be carried out in accordance with the following plans:-
 - Drawing No. JJ00258/1 (Proposed Floor Plans and Elevations);
 - Drawing No. JJ00258/2 (Site Plan)

received on the 25 September 2018 from Haywood Design

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. No customer shall be permitted to be on the premises outside the following times: 0800 and 2000 hours (Monday to Sunday)

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

5. 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.

6. No amplified sound or live music shall be played within the commercial use(s) hereby permitted at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval by the Local Planning Authority prior to installation.

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

7. Notwithstanding the approved plans and the proposed use of part of the building as a café/restaurant within Use Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), the café/restaurant shall serve only beverages, cold food and such hot food as may be prepared using only a domestic style cooker, toaster, sandwich toaster, waffle maker, microwave, jacket potato cooker and bain marie in accordance with the details submitted by the applicant in the e-mail of the 9 October 2018. No intensification of cooking facilities beyond those detailed in the aforementioned email shall occur.

Reason: In the interests of visual amenity of the surrounding area

8. Notwithstanding submitted plans, the main entrance door to the serving area shall allow for a minimum effective clear width of 1000mm

Reason: To ensure ease of access and facilities for disabled persons at all times.

Attention is Drawn to the Following Directives:

1. The premises should provide suitable and sufficient ventilation capable of removing vitiated or polluted air from occupied rooms. It should be of such design and siting that maximum comfort is maintained. In relation to ventilation, guidance should be sought from 'The Chartered Institution of Building Services Engineers' (C.I.B.S.E) Code.
2. The applicant is advised that manifestation to the existing glazed windows / balustrade will be required in order to comply with Part M of the building regulations. The manifestation shall be two bands in a colour which is clearly distinguishable from both sides of the glass in all lighting conditions. The door(s) need to be clearly distinguishable from the fixed glazing.
3. 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.

INTRODUCTION

The application relates to redundant public conveniences that are located along the western side of Commonsides in Walkley. The public conveniences closed several years and have remained empty ever since.

The application site has the benefit of an extant planning permission to change the use into either a shop or office (Use Classes A1 and A2). This was granted in November 2017, under planning reference No. 17/03606/FUL. Despite some clearance work carried out to the interior of building, this permission has not been implemented.

Following this earlier permission, the applicant purchased the building and submitted a pre-application enquiry (18/02789/PREAPP) seeking informal officers' advice on whether it would be acceptable in principle to allow the building to be used as a café (Use Class A3).

The application has been submitted in response to the officers' advice given as part of the pre-application.

LOCATION AND PROPOSAL

The Commonsides Public Conveniences are built into a 4m high stone retaining wall that runs along the western side of the road. The retaining wall supports the garden of Moor End Place Nursing Home that stands above the toilet site. Both toilets are in a somewhat dilapidated state and have an air of neglect that has resulted from their closure.

There is a stark contrast between the facades of the two adjoining toilets, with the men's toilet incorporating an attractive stone arch with recessed central stone mullions, whereas the ladies, a much later addition comprises a horizontal concrete lintel, brick infill columns and blockwork plinth. Both toilets have a large advertising hoarding fixed to their fronts.

Full planning permission is being sought to change the use of the public conveniences into a café (Use Class A3). The supporting plans show the toilets would be opened up internally to create one larger space with the former men's toilet laid out as a serving/counter area and the ladies toilet as a seating area limited to 3 tables catering for approximately 9 persons. The applicant has detailed that the use of the premises will be either a dessert shop serving ice cream, waffles, crepes or for the sale of jacket potatoes with a variety of fillings such as cheese, beans and salad. The proposed opening times of the café will be between 1100 hours and 1900 hours.

RELEVANT PLANNING HISTORY

17/03606/FUL - Use of public convenience (Use Class Sui Generis) as a retail unit and an office (Use Classes A1 & A2) – Approved 06/11/17

16/00476/PREAPP - Pre-application advice for the change of use from public toilet to either retail unit or office space – Closed

18/01859/PREAPP - Pre-application advice - Alterations to male/female toilet accommodation to form 1 unit for use as a bar or living accommodation - Closed 25/06/18

18/02789/PREAPP - Pre application advice re use of disused public convenience building as shop or takeaway – Closed 14/08/18

SUMMARY OF REPRESENTATIONS

A high number of representations have been received in response to this application that includes two petitions, one objecting to the scheme and the other in support. A summary of all comments received are summarised below: -

Objection (7)

- The proposed development would conflict with Council's policy which seeks to keep A1 dominance in a shopping area. Common Side is already saturated with existing food and drink outlets that include several cafes, sandwich shops and a chip shop. If the development is allowed, the overall mix of uses along Common Side would be about 70% food outlets and 30% retail.
- Another coffee shop would be detrimental to the existing small business owners;
- Parking and access issues. The toilets are situated on the brow of a hill, on a blind bend and to the rear of a bus stop that all raise safety concerns for pedestrians;
- Issues with extraction onto a public footway

A petition with 22 signatures has been received objecting to the proposed change of use from local residents and businesses. The petition has been actioned by the owner of Middletons DIY and the Sandwich Stop. The petition states that rather than bringing more business to the area, the proposal will dilute existing business of existing food outlets, exacerbate existing parking problems in the area and that the proposed extraction will be onto a busy walkway and close to a bus stop.

Support (6)

- Very pleased that something is being done to the derelict public convenience.
- The location of the premises is ideal for the large amount of students on route to college.
- The business could do very well given the high footfall and proximity to bus stop.
- There are a number of diverse businesses in the area. There should be no objection to someone making good use of a derelict building.
- Promotes job opportunities and new business in the area.
- The proposal will provide locals with more options to choose from locally instead of travelling further distances.
- The development will bring this historic building back into a viable use.
- The area is a mixed use area with a variety of different shops. New businesses should be welcome in the area and bring in more customers.

A petition with 59 signatures has been received supporting the proposed change of use application. This has been actioned by the applicant.

PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- i) The Principle of Development – Policy and Land Use
 - ii) Highway Issues
 - iii) Design Issues and its effect on the character and appearance of the surrounding area;
and
 - iv) Effect on the residential amenity of neighbouring properties;
- i. Principle of Development – Policy and Land Use

The public conveniences are located in a Local Shopping Area as defined in the UDP. In a Local Shopping Area, applications for change of use are subject to meeting UDP Policies S7 and S10. Policy S7 lists the type of uses that are preferred, acceptable or unacceptable. Under this policy, shops (A1) are the preferred uses with offices used by the public (A2) and food and drink outlets (A3) being included within the short menu of acceptable uses. UDP Policy S10 sets out conditions that new development or change of use proposals will be required to meet. These conditions include, at Part (a), that the development would not lead to a concentration of uses which would prejudice the dominance of preferred uses, and at Part (d) that it would be well designed and of a scale and nature appropriate to the site. In terms of dominance, the latest assessment of current uses in the Local Shopping Area, which is made up of premises along Common Side and Barber Road show that approximately 50% of the premises are in A1 use or have permission to change to an A1 use. This includes the recent 'PD' approval to change the use of Adams Express (18-20 Commonsides) from retail (A1) to office (A2) in July 2018 that was assessed under 18/01884/CHU.

Government policy is contained in NPPF. At Paragraph 85, it details that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The proposal to change the use of the toilets to a café (Use Class A3) would accord with UDP Policy S7. Officers are also satisfied that the development would not conflict with UDP Policy S10 (a). Despite the number of objections received that the use of the former toilet block as a café would result in the concentration of non-preferred uses in the area, this is only true in part since the previous permission in 2017 to change the use of the toilets was not specifically limiting the use to A1 (shop) but also included A2 (Office), a non-preferred use. The proposal to change the use of the toilets to a café (A3), which again is a non-preferred use under Policy S10 would therefore have a neutral effect on the balance between preferred uses and non-preferred uses in the local shopping area when taking account of the previous permission.

While it is acknowledged that the proposed café would tip the overall percentage of non-preferred uses in the local shopping area (Common Side and Barber Road) to more than 50%, this would also be the case if the applicant decided to change the premises to an A2 use, which permission already exists.

Members are advised that the proposed change of use of the toilets into a café (Use Class A3) would not result in the loss of an existing A1 use. Instead, the proposed development

involving the change of use of redundant toilets would increase the overall number of units in the area, and while this would not be a preferred use, in officers' opinion, the use of the building as a café can only help to improve the vitality and viability of the local shopping area through increased choice. It would be unreasonable in officers' opinion to resist the change of use when the proposal seeks to utilise an existing redundant building for a use that is compatible to a shopping area and likely to form an attractive venue to the high number of persons, particularly students that use Commonsides.

ii. Highway Issues

The site is located in a sustainable location with a bus stop/shelter situated only metres away and in an area that benefits from a high footfall.

From a highway safety perspective, it is noted that a number of the objections received are highway related citing concerns that the building being cited on a brow of a busy hill and blind bend behind a bus stop would be detrimental to road users and pedestrians.

Members are advised that along the development site frontage, Common Side has a combination of waiting restrictions and bus boarder markings, which prevent the parking of any vehicles. Given this lack of on-street parking across the Barber Road/Commonside junction, which reduces the likelihood of masking, sight-lines are not considered to be a problem.

Over a 5-year period from December 2012 to December 2017, there has been just one slight injury accident recorded at the junction, involving a car and pedestrian, which occurred on 26/06/2014. Immediately beyond the bus stop (heading towards Springvale Road) is sheltered car parking on both sides of the road, as well as a push-button pedestrian crossing. Having assessed these site characteristics, officers are of the view that highway safety in the immediate vicinity of the development proposal is no worse than in most parts of the City.

The application site already benefits from planning consent which would allow A1 and A2 uses (shop, sandwich bar, internet café, professional/financial services). The application proposes an A3 use (café/restaurant) within the disused public convenience. Despite the concerns raised, this alternative use of the building is unlikely to generate a significant on-street parking demand over-and-above the consented scheme. Given the small-scale nature of development, coupled with how accessible the site is with regard public transport and walking, NPPF guidance in this situation supports planning permission being granted.

iii. Design Issues and its effect on the character and appearance of the surrounding area

UDP Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

The proposed treatment of the building is considered to be acceptable with the submitted plans showing the retention of the stone arch of the former men's toilets. The retention of

the stone arch is welcomed given that this arch forms an attractive and distinctive architectural feature of this building. The plans show that the existing door openings would be retained with the work proposed to the ladies toilet involving the removal of the brickwork and its replacement with three fixed glazed panels and a sliding door. The proposed work to the men's toilet would involve removing the stone walling below the arch and inserting a large central glazed screen, bookended by a fixed glazed panel and glazed entrance door. It is proposed to face the building around the glazed panels and stall riser with natural stone reclaimed from the building. Window and door frames would be grey coloured powder coated aluminium.

The proposed works to the former toilets are considered to be acceptable from a design perspective and would offer the opportunity to bring the building back into a viable use to the significant benefit of the surrounding area. UDP Policy BE5, which seeks good design and the use of good quality materials in all new and refurbished buildings and extensions, is considered to be met.

iv. Residential Amenity Issues

It is not considered that the proposal raises any significant residential amenity issues. The toilets are located in a shopping area with no residential properties within the immediate area of the site that would be unduly harmed from matters such as noise disturbance from the intended use.

Environment Protection Services (EPS) has stated that they have no objection in principle to the proposed change of use to the cafe, although they do have some concerns about the lack of a kitchen extraction system. In view of this, EPS advise that only limited equipment should be used to prepare and cook food without compromising internal comfort, or risking the potential for loss of amenity to the area due to odour. To control this aspect, it is recommended that a condition be attached to any grant of planning that limits the type of cooking to only beverages, cold food and such hot food as may be prepared using only a domestic style cooker, toaster, sandwich toaster, microwave, jacket potato cooker and bain-marie. The applicant is agreeable to this condition being attached to any grant of planning permission. He was advised of this requirement during pre-application discussions due to officers' concerns that the proposed use should not be permitted to have a commercial flue given that this flue would need to be sited in a very prominent location along the building's front elevation that would harm the visual amenities of the area.

SUMMARY AND RECOMMENDATION

The application relates to redundant public conveniences that are located along the western side of Commonsides in Walkley. The toilets are located in a Local Shopping Area.

The applicant is seeking permission to change the use of the toilets into a café (Use Class A3). The application is a variation of the recent permission to change the use of the former toilets into either a shop or office (Use Classes A1 and A2) that was granted in November 2017.

Members are advised that the development does not involve the loss of an existing retail unit in the Local Shopping Area. While it is acknowledged that the percentage of proposed

A1 uses would fall below 50% as a result of the development, the intention of UDP Policy S7 is to prevent the loss of existing A1 uses in a shopping area and is not intended to arbitrarily seek to control new premises being added to the Local Shopping Area. The proposal is for a small café with facility to provide indoor seating for approximately 9 persons. It is considered that the proposal would improve the vitality and viability of the Local Shopping Centre by adding a new unit to the existing stock of retail and food and drink outlet units within the area.

Also material to the application in officers' opinion is that the permission to change the use of the toilets to a non-preferred use has already been granted. To refuse the application on the basis that the use would lead to the overall number of A1 Uses in the Local Shopping Area falling below 50% would be unreasonable in this instance given the limited size of the development and the extant permission that permits the use of the building for A2 office use, a non-preferred use.

The toilets are situated in a very sustainable location, well served by public transport and are remote from any dwellinghouses to prevent the proposed development having any adverse effect on their residential amenity. It is not considered that the proposed change of the use of the toilets to a café would have a greater impact on highway safety or demand for parking than the extant permission of the premises as either a shop or office use.

For the reasons set out above and having regard all other matters, it is considered that the proposal is acceptable and would be in general accordance with UDP Policies S7, S10 and BE5, and government guidance contained in the NPPF.

It is therefore recommended that planning permission be granted subject to conditions listed.