
Case Number	18/04049/FUL
Application Type	Full Planning Application
Proposal	Use of ground floor of dwellinghouse (Use Class C3) as a retail unit (Use Class A1) including erection of shop-front (As per amended plans received on the 20 March 2019) - AMENDED DESCRIPTION
Location	245 Owler Lane Sheffield S4 8GD
Date Received	24/10/2018
Team	West and North
Applicant/Agent	Tahir Bashir
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:-

- 18/23.01 Revision B (Location Plan, Existing and Proposed Ground, First and Second Floor Plans).

- 18/23.02 Revision B (Existing and Proposed Front, Side and Rear Elevations); and

received on the 20 March 2019 from Tahir Bashir

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. Details of waste disposal and bin storage shall be submitted and approved in writing prior to the shop being brought into use. Other than bin collection day(s), at no time shall commercial bins used in connection with the retail use be left on the highway.

Reason: In the interests of amenity and highway safety

Other Compliance Conditions

4. The shop front and entrance door frame shall be made from black painted/treated aluminium.

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

5. The hours of use of the premises shall be limited to the following times:

Between 0900 and 1730 hours (Monday to Saturday); and

At no time shall the premises be open on a Sunday and/or Public Holidays

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

6. 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.

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 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.

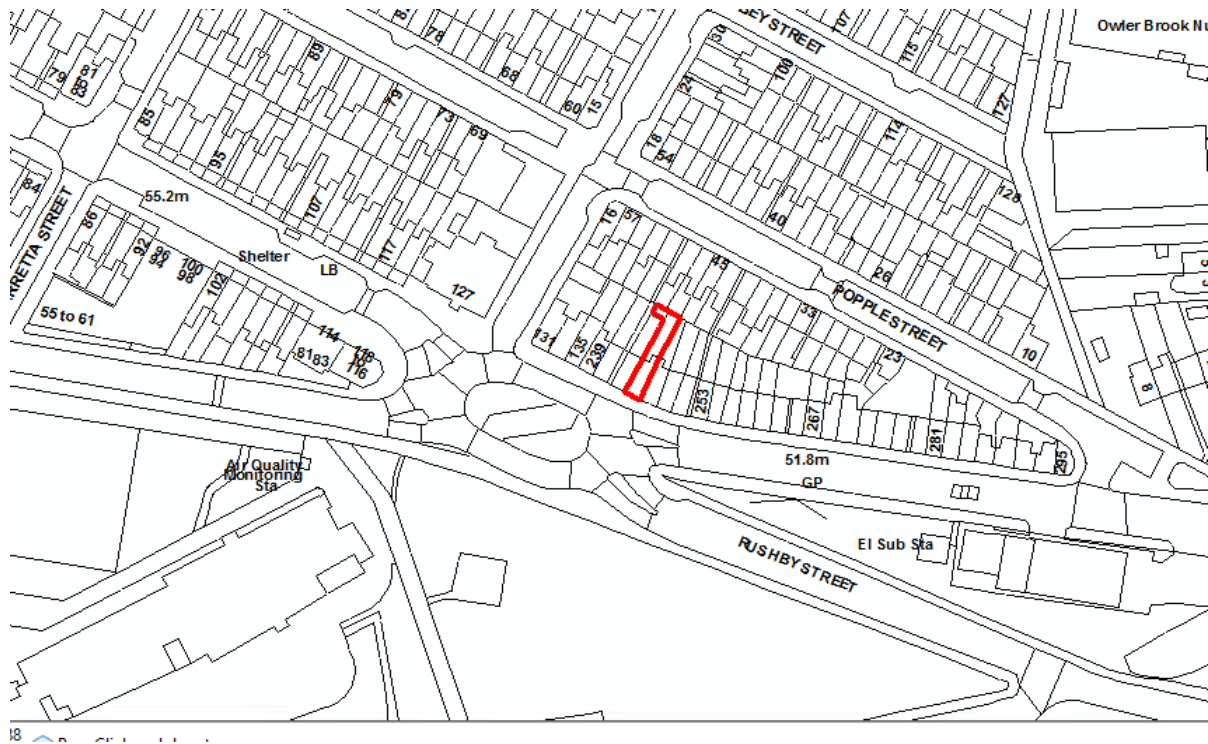
8. No external roller shutters shall be permitted on the building.

Reason: In the interests of visual amenity

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.

Site Location



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LOCATION AND PROPOSAL

The application relates to a mid-terrace dwellinghouse (No. 245 Owl lane) that is situated along the northern side of Owl Lane in Firvale. The dwellinghouse is a traditional two-storey property with a slate pitched roof. The property has a small enclosed back yard area, which is accessed down a gennel alongside No. 243.

The property is currently attached on both its sides by dwellinghouses (Nos. 243 and 247) although No. 247 has permission to be converted to a shop (use class A1). Next to No. 243 is an existing retail shop occupied by a jeweller.

The application site is situated in a Housing Area as identified on the UDP Proposals Map. Four hundred metres (400m) to the west of the site is Page Hall Road Local Shopping Centre.

Full planning permission is sought to change the use of the property's ground floor to provide a retail unit (Use Class A1) with one-bedroomed first floor flat. The application has been amended by drawings received on the 20/03/19.

In terms of the first floor flat, 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 is permitted development. Therefore, if the proposal to change the use of the ground floor to a shop is found acceptable, the use of the first floor as a flat is deemed permitted by reason of Class G of the GDPO 2015.

RELEVANT PLANNING HISTORY

Although no relevant planning history exists for the application site, the attached property (No. 247 Owler Lane) was granted planning permission to change the use from a dwellinghouse to a shop (A1) in September 2018, under planning reference No. 18/01870/FUL. Also relevant is the recent committee decision to refuse planning permission to change the use of a dwellinghouse into a shop at 104 Page Hall Road in November 2018 (Planning reference No. 18/01688/FUL).

SUMMARY OF REPRESENTATIONS

No representations have been received in response to neighbour notification.

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;
 - iv. Effect on the residential amenity of neighbouring properties; and
 - v. Flooding Issues
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- i. The Principle of Development – Policy and Land Use

The application site is situated within a Housing Area. In these areas, shops (Use Class A1) are included within the short menu of acceptable uses under Policy H10 of the UDP.

In addition to Policy H10, it is also necessary to consider the application against Policy H14, which lists a number of conditions that new development or change of use proposals will be expected to meet. Amongst others, these conditions include at part (i) that for non-housing (use Class C3) uses the development would occupy only a small area and not lead to a concentration of non-housing uses which would threaten the residential character of the Housing Area. In terms of Part (i), officers are satisfied that the change if use of the ground floor of the property would not threaten the residential character of the area. While the application site is in a housing area, and the neighbouring property (No. 247) has the benefit of planning permission to change the use to a shop, the proposal only represents the loss of part of an existing single dwellinghouse as a first floor flat is to be provided. The properties to the east of the site (beyond No. 247) along this section of Owler Lane all remain in residential use. In light of the above the proposal is not considered to threaten the established residential character of the area. The change of use of the ground floor of the dwelling to a shop will not affect the overall number of houses in the area given the provision of a first floor flat.

Paragraph 86 of the NPPF states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses. In terms of this proposal, it is not considered that the proposed use would harm the viability and vitality of the neighbouring local centres at Page Hall Road, Fir Vale and Upwell Street, with evidence from officer's site inspection that they are vibrant with very few if any vacant premises available. It is also considered that the property, being located close to a small cluster of shops along a main and busy thoroughfare that the proposed use is a suitable location for a small shop, which is unlikely to threaten the viability of the existing centres.

ii. Highway Issues

The development raises no significant highway concerns. Any increase in parking demands associated with the proposed use is likely to be low given the very close proximity of neighbouring shops, with shoppers frequenting the premises likely to be resident in the local area and trips linked to the neighbouring local shopping area.

Double yellow lines and loading restrictions are in place outside the site on Owler Lane which prevents loading during peak hours. These restrictions will minimise any conflict between any requirements to service the shop and the operation of the public highway.

A condition will be imposed to prevent bins from being stored on the public highway.

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

The applicant has amended the scheme on the advice of officers with the external alterations limited to the reducing the size of the first floor window opening (rear elevation), removal of the property's ground floor window and door (front elevation) and installing a new wider door opening and new shop front window. Previously, the applicant sought the erection of a front dormer window and an external staircase, the latter to serve the first floor flat. Both of these elements have been removed from the proposed scheme, the front dormer window being replaced with a rooflight.

In terms of the proposed alterations to the ground floor, the amended plans show that the property's existing ground floor window and door would be removed and a large ground floor shopfront window with side door would be inserted. The new shop front and side door would be made from black painted/treated aluminium, and be inserted at a height no lower than the property's existing ground floor window cill.

From a design perspective, it is considered that the shop front is acceptable and would not harm the character or appearance of the building or streetscene. The shopfront window was amended on the advice of officers and is now consistent in appearance and size to the authorised shopfront window approved to No. 247. The use of black aluminium window frames is considered acceptable.

iv. Effect on the residential amenity of neighbouring properties;

It is considered that the only properties likely to be affected by the proposal are its two immediate neighbours, namely Nos. 243 and 247 Owler Lane, the latter having an extant planning permission to change the use into a ground floor shop. In terms of these two

properties, while it is acknowledged that the change of use would lead to more activity within the premises than if it was a dwellinghouse during normal shopping hours (0900-1730 hours), the extent of which should not be significant that would be detrimental to the living conditions of the two neighbouring properties in terms of noise disturbance. The shop floor of the retail unit would only be approximately 13 square metres meaning that the size of the premises is unlikely to result in a high number of customers frequenting the shop at any one time that would cause any significant disamenity to neighbouring properties.

To ensure that the opening hours is consistent with neighbouring shops and to ensure that it is closed at a time when residents of neighbouring properties are likely to be at home, it is recommended that a condition be attached that restricts opening hours of the premises between the hours of 0900 and 1730 (Monday to Saturday with no opening on Sundays or Public Holidays). These opening hours are consistent with the hours approved at No. 247, under 18/01870/FUL.

It is also recommended that a condition be attached that restricts delivery and service hours and waste collection and disposal to minimise the impact on adjoining properties.

It is also noted that small shops are viewed to be compatible uses in housing areas, as set out in the UDP.

Flooding Issues

The application was submitted with a Flood Risk Assessment on account of the property being situated within Flood Zone 3A (High risk of flooding). The FRA details that the floor levels will remain unchanged and that the internal floor level of the shop would be 150mm above road level.

Residential uses are classed as highly vulnerable uses in accordance with the Environment Agency's flood risk vulnerability classifications and the proposed retail use is a less vulnerable use (retail). Less vulnerable uses are considered acceptable in Flood Zone 3a and changes of use are not required to pass the sequential or exception flooding tests. As such the change of use is considered to be acceptable from a flooding perspective.

The Environment Agency make no comment on the application based on the information provided.

Other Issues

It is acknowledged that Members refused an application to change the use of 104 Page Hall Road from a dwellinghouse to a shop in January 2019. This was refused against the advice of officers for the reason that the proposed change of use of the property would be in a part of Page Hall Road which already accommodates a considerable number of shop uses such that there is a risk that further changes of use from residential to shop use will undermine the residential character of the street contrary to Unitary Development Plan Policy H14(i). While officers accept that there are similarities between this proposal and the one refused at Page Hall Road, for the reasons given in the report, it is not considered that the proposal would threaten the residential character of the area. With exception to No. 247, which is located further away from the local shopping centre than the application

site, all the properties to the east of the site are in residential use, thereby retaining the residential character of the area. This differs with the site of 104 Page Hall Road, where a number of dwellinghouses in proximity of the property have been converted into shops, which by doing so has resulted in that particular part of the street moving away from its former residential character. This is different to the application site, where the loss of the dwellinghouse to a shop would not materially affect the street's residential character.

SUMMARY AND RECOMMENDATION

Full planning permission is being sought to change the use of the property's ground floor to provide a retail unit (Use Class A1) with one-bedroomed first floor flat.

For the reasons set out in the report, it is considered that the proposal to change the use of the property into a shop is acceptable and would be in general accordance with Policies H10 and H14 of the UDP and would not conflict with government policy contained in the National planning Policy Framework (NPPF). There would be no net loss in the number of dwelling houses as a result of the change of use of the property as a first floor flat would be provided. It is considered that this section along Owler Lane would continue to remain residential in character. It is also considered that the proposed change of use would not result in any significant noise disturbance that would be harmful to the residential amenity of neighbouring properties. It is recommended that conditions be attached that restrict opening times between 0900 and 1730 hours and delivery times to ensure that activities associated with the use is kept to a minimum.

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

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