
Case Number	20/01966/CHU (Formerly PP-08817038)
Application Type	Planning Application for Change of Use
Proposal	Change of use from office to a beauty salon
Location	Dixon Dawson Chartered Architects 6 Moor Oaks Road Sheffield S10 1BX
Date Received	19/06/2020
Team	South
Applicant/Agent	Space Studio
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:

Dwg. No. A20-148/01 - Site Location Plans
Dwg. No. A20-148/03 - Existing / Proposed Elevations Sheet 1 of 2
Dwg. No. A20-148/04 - Existing / Proposed Elevations Sheet 2 of 2
Dwg. No. A20-148/05 - Proposed Plans

Reason: In order to define the permission.

Pre-Commencement Condition(s)

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

3. Before the building is brought into use, full details of suitable inclusive access improvements and facilities for disabled people to enter the building shall have been submitted to and approved in writing by the Local Planning Authority and the building shall not be used unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

Other Compliance Conditions

4. The premises shall only be open to the public during the following times:

Monday to Saturday - 1000 hours to 1800 hours

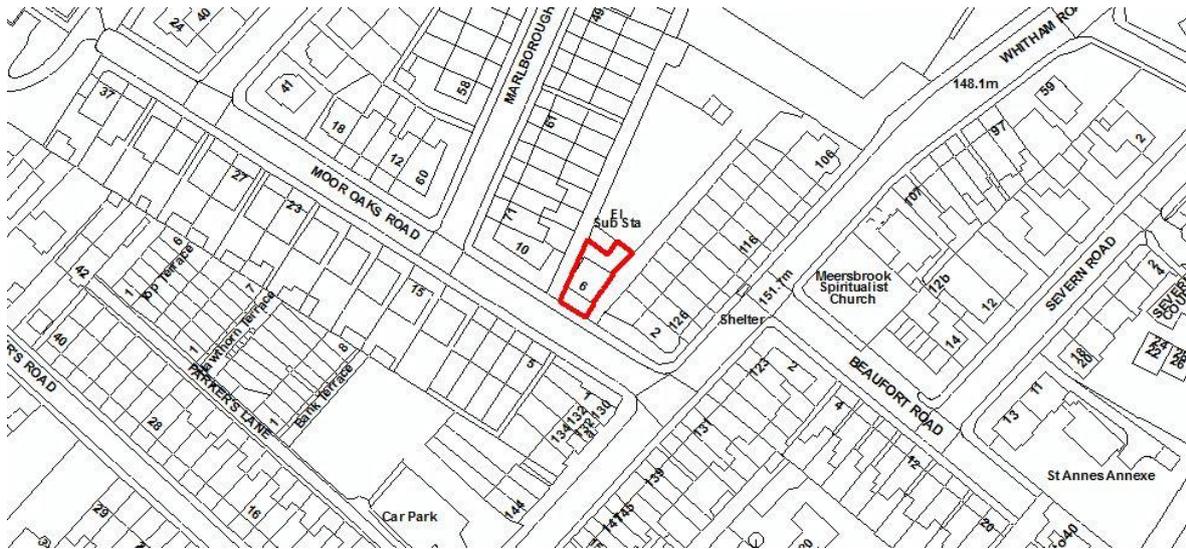
Sundays - 1000 hours to 1600 hours

Reason: In the interests of the amenities of 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 any signage required in association with the permitted use may require separate Advertisement Consent. To find out if this is required, discuss arrangements for obtaining such consent, and to request application forms, the applicant should contact Development Control Section, Development Services, on Sheffield (0114) 2039183 or go to www.sheffield.gov.uk/in-your-area/planning-and-city-development

Site Location



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Location

This planning application relates to a large three / four storey Victorian property that is situated on the north side of Moor Oaks Road (close to its junction with Whitham Road) in the Broomhill Conservation Area. The site also falls within the boundary of the Broomhill, Broomfield, Endcliffe, Summerfield and Tapton (BBEST) Neighbourhood Plan area.

Identified as No.6 Moor Oaks Road, this is an attractive property that is built from stone and characterised by a pitched slate roof and large windows openings, including bay windows at ground floor (front and rear) and lower ground floor levels (rear).

The building is set back from Moor Oaks Road with a small front garden area positioned in-between and defined by a stone wall. At the rear of the premises, which is accessed via a shared driveway that runs adjacent to the building's east facing side elevation, there is a small external area containing space for 2 parked vehicles and some external storage. An electricity substation also exists in this rear area.

The site surroundings are predominantly residential in nature and comprise of either dwellings (C3) or Houses in Multiple Occupation (C4). These existing properties exist beyond the application site's immediate eastern, southern and western boundaries. At the rear of the property - to the immediate north - exists a parcel of green space that currently contains dense vegetation / tree cover, although it is currently the subject of a submitted planning application which is seeking permission to build a residential apartment development on the land (see 'Planning History' below).

Additionally, within the vicinity of the site there exists a variety of other land uses, including small shops on Whitham Road, university and hospital buildings / land and the Broomhill District Shopping Centre.

Proposal

Previously occupied by an architect's practice and so used as an office (use class B1), this application seeks planning permission to change the use of the property to a beauty salon (Sui Generis).

Presently, the building is vacant. The proposed internal layout includes a reception, relaxation room, treatment rooms (x4) as well as kitchen and WC facilities, all at ground and first floor level. The remaining second floor rooms are identified as not being used and remaining as storage, as existing.

During the period of this application's assessment, the applicant has clarified / amended a number of items raised in relation to the proposal. These are, in part, due to the objections received (see relevant section below) and include:

- The premises will open from 1000 hours to 1800 hours on Mondays to Saturdays. The application form originally stated that it was proposed to open between 0800 hours to 2100 hours.

- The premises will not open on Sundays. The application form originally stated it was proposed to open between 1000 hours to 1600 hours.
- There will be a maximum of two staff employed and this will result in two customers at any one time. The application form originally stated that there would be three staff.
- Customers will be required to book an appointment. There will be no walk in and wait service available.

The submission confirms that there will be no changes the external appearance of the building.

RELEVANT PLANNING HISTORY

There is no relevant planning history associated with the application property.

As referred to above, the following planning application on land to the rear of the application property is considered to be worthy of note:

20/02056/FUL: Erection of 27 1-bedroom and studio apartments in a single 3 / 4 storey block with associated car parking, formation of access road and hard and soft landscaping (Resubmission of 20/00237/FUL). Pending Consideration.

20/00237/FUL: Erection of 27no 1-bedroom and studio apartments (Use Class C3) in a single 3 / 4 storey block with associated car parking and hard and soft landscaping. Withdrawn 04.05.2020.

SUMMARY OF REPRESENTATIONS

The application has been advertised by neighbour notification letter.

It is confirmed that 15 objections have been received, from local residents living on Moor Oaks Road as well as the nearby streets of Marlborough Road, Elmore Road and Highnam Road. It is also confirmed that 1 neutral representation has been received.

In summary, the representations relate to:

Inappropriate Use

This is basically a shop. There is no place for this development in the Moor Oaks Triangle Conservation Area.

Concern about a commercial premises encroaching into a residential area, which will set a precedent. This is principally a residential neighbourhood rather than a commercial one. The site lies outside the Broomhill retail zone.

The proposed use will attract clients to the premises all day long, which the previous accountant uses did not have.

There are many vacant retail premises already available in the shopping area.

The host property is a beautiful Victorian house that was built with a covenant on it to be a "dignified" property. Is a beauty shop dignified?

A moral objection to this beauty business being located in a residential area that is densely populated with young people. Worried that a business centred around beauty in direct eye line could have a detrimental affect on the mental health of local residents.

Traffic Generation & Car Parking Pressures

Concern that there are on 2 parking spaces proposed to support the building / use. There are numerous treatment room which will result in several staff and clients, who will simultaneously require car parking space. The figures do not equate.

Comments that parking is already saturated in the area with residents often unable to park near to their homes. The problems are particularly acute in the vicinity of the application property due to parking pressures caused by nearby shops, many HMO's, hospital workers, university staff etc.

Concerns raised that the nature of the use and regularity of customers will significantly increase the amount of cars attracted to the area and place increased pressure on parking during the week and at weekends.

Noise Pollution

The commercial activity and increased traffic will increase noise.

Air Pollution

There are already a substantial amount of businesses catering for this market in the Broomhill retail zone and surrounding area. As a result of this, and the substantial number of objections received, it would suggest that there would be little local appetite for further business. Therefore, future customers will likely be driving into the area adding to air pollution which is already high.

It has been proven that Covid19 is present in pollution.

Pollution

There will be a need for more refuse bins on site (where?) and collections will increase.

The bins will need to be secured as they will contain hazardous waste.

Cumulative Impact of Development

It should be considered that a planning application has been submitted for 27 flats directly adjacent to this building. The proposals together could lead to an additional 50+ vehicles, excessive noise and air pollution to this pleasant family area.

Hours of Use

Concerns that the original hours of use proposed would impact on resident parking as they were beyond the hours when the parking restrictions apply.

Recommended Conditions (if planning permission is granted)

Signage should be considerate to the conservation area.

Hours should be restricted to current business hours (9 - 5 Monday to Friday).

A full review of the parking scheme in surrounding streets should be undertaken - ideally in the surrounding streets of Moor Oaks, Marlborough, Elmore and Highnam Crescent.

Permits should not be made available to customers.

Additional Comment (from neutral representation)

It is very welcome that the plan is not to convert this building into student flats.

PLANNING ASSESSMENT

Policy Position

The National Planning Policy Framework (NPPF, 2019) provides the framework for the planning policy and development in England. The overarching principle of the NPPF is to ensure that new development is sustainable and the local policies cited in this report are all considered to be in accordance with the relevant paragraphs of the NPPF.

The Council's development plan comprises the Core Strategy (adopted 2009) and the saved policies of the Unitary Development Plan (UDP, adopted 1998). Whilst the UDP pre-dates the NPPF, the policies should not be considered out-of-date and should be given weight, according to their degree of consistency with the NPPF.

In all cases, the assessment of any development needs to be considered in light of paragraph 11 of the NPPF, which states that there is a presumption in favour of sustainable development. Where there are no relevant development plan policies or policies are not consistent with the NPPF, planning permission should be granted (the tilted balance) unless there are particular areas or assets of particular importance, which provide a clear reason for refusal (eg. Green Belt, risk of flooding etc); or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the development.

Additionally, the BBEST Neighbourhood Plan has reached the Examination (Reg. 17) stage. Therefore, in accordance with the NPPF (paragraph 48), the Council may give some weight to the relevant policies set out in the Neighbourhood Plan although the weight attributed is dependent on a number of factors including the stage of

preparation, extent of unresolved objections and degree of consistency with the NPPF. These policies – when relevant – will be considered alongside all other development plan policies and material considerations.

The application site is located within a Housing Area, as defined in the adopted UDP, and so therefore, in land use policy terms, it is necessary to apply UDP Policy H10 'Development in Housing Areas'. The policy lists housing (C3) as the preferred use but does permit other uses, which are considered to be acceptable, including small shops (A1), offices used by the public (A2), food and drink outlets (A3-A5), business (B1), community facilities and institutions (D1), and leisure and recreation facilities (D2), amongst others. The proposed beauty salon use does not fall within any specific use classification and is therefore referred to as a 'sui generis' use. In these circumstances, the proposed use will be decided on its own merits.

Although it is acknowledged that a beauty salon is a use which is typically seen within shopping centre, it is considered to be a planning use that is compatible with a housing area, given the nature of the use and its similarities with the acceptable uses identified in Policy H10, including A1, A2 and D1 uses. Such compatibility is, however, dependent upon the proposal complying with all other relevant policies and material considerations that are explored further below.

Land Use & Dominance

UDP Policy H10 requires the need for new development proposals to comply with UDP Policy H14 'Conditions on Development in Housing Areas', by permitting change of uses provided that they only occupy a small area and would not lead to a concentration of uses that threaten the residential character.

Notwithstanding the objections received, the proposed beauty salon use will not threaten the residential character of the area because the application property's current established planning use is as an office (B1). Therefore, the proposal will result in no net loss in residential accommodation and so the impact of the change in land-use / dominance terms will be neutral.

There are no specific policies contained within the BBEST Neighbourhood Plan that directly relate to this proposed change of use.

Paragraphs 85 - 90 of the NPPF emphasise the significance and role of town centres and requires main town centre uses to be located in town centres, then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. This is known as a Sequential Test and it is essentially required to protect the vitality and viability of town centres (including district / local shopping centres).

The definition of "main town centre uses" in Annex 2 of the NPPF does not include beauty uses but it is a use which is typically seen within shopping centres. In light of the objections received and local concerns about the appropriateness of the use at this location, it has therefore been considered appropriate to review the development in sequential terms in order to ensure a robust consideration of all the key material issues and address the issue.

Therefore, at officer request, the applicant has provided details of other commercial units in the S10 and S11 area that are available and could be considered for a beauty salon use. In total, 5 units have been identified, including one available unit in the Broomhill District Centre (Whitham Road) and one unit in the Ecclesall Road District Centre. It is confirmed that all of the units identified are unsuitable sites and have been discounted with relevant reasons including the extent of works required, the size of the unit, suitability of the location, cost and unwillingness of owners to agree to a change of use.

In light of the above, and in accordance with the NPPF, edge of centre locations must then be explored. Given the position of the application site - within 300m of the District Centre's boundary - it is confirmed that this falls within the definition of an edge of centre location and so is considered to be the next sequentially preferable site for a main town centre use and an appropriate location in policy terms for the proposed development.

Furthermore, in accordance with paragraph 87 of the NPPF, the site is a preferred location as it is accessible and well connected to the town centre, thus helping to support its vitality and viability.

For the reasons given, it is concluded that the proposed beauty salon is an appropriate use at this location which would not undermine or threaten the primary residential function of the designated Housing Area. Additionally, it is not considered that it would harm the vitality and viability of the Broomhill District Centre. It is on this basis that the proposal is considered acceptable and will meet the requirements of UDP Policies H10 and H14 and Paragraphs 85 - 90 of the NPPF.

Amenity Issues

The NPPF, para 127 f) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users of land and buildings.

UDP Policy H14 'Conditions on Development in Housing Areas', permits a change of use provided that it would not cause residents to suffer from unacceptable living conditions.

There are no significant amenity implications arising from the proposal. This is an existing commercial building - detached from surrounding properties - and the building will involve the continued use of the commercial premises. The use is not inherently noisy or disturbing. It is considered that the activities associated with the proposed beauty salon will not result in any significant changes to the detriment of surrounding residential properties.

As described earlier, the applicant has agreed to amend their opening hours in order to address some of the objections received. The proposed use will now operate between 10:00 and 18:00 hours on Mondays to Saturdays with no opening on Sundays. It is considered that these are acceptable hours for a commercial business in a Housing Area and positioned close to a busy District Shopping Centre.

Furthermore, it is noted that there are currently no restrictions placed on the existing office use. A condition is recommended to secure the proposed hours of opening.

With regard to bin storage, there is space at the rear of the property where secure bin storage facilities can be discretely provided.

In light of the above, it is concluded that the proposal will accord with UDP Policy H14 and paragraph 127 of the NPPF.

Highways Issues

Paragraph 109 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. Within this context, paragraph 110 of the NPPF goes on to state - in part - that new development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

UDP Policy H14 (k) states that non-housing uses in Housing Areas should not lead to excessive traffic levels.

The main highways issue, as highlighted by many of the objections received, is the demand for parking associated with the proposed beauty salon and the associated traffic movements.

Car Parking Issues

In terms of car parking demand, the Council's guidelines (Information Sheet 3: Car Parking Guidelines) indicate it would be appropriate for the provision of 4 spaces to be made available for the application property's existing office use (B1 use). There is no reference to a beauty salon in the guidelines owing to it being a sui generis use, therefore it has been considered appropriate to apply the ratios used for doctors /dentist uses (D2 use) - give the similarities in terms of appointments and scale. This would equate to the appropriate car parking provision for the use being calculated as 5 car parking spaces (1 space per 50 square metres), which is a small increase of 1 additional space that is recommended to be provided. However, it is confirmed that there will be no additional car parking proposed as part of this change of use.

It is reminded that the applicant has agreed to curtail the hours of opening of the beauty salon so that they fall within the hours of operation of the parking permit area that exists on Moor Oaks Road and surrounding nearby streets. To clarify, the use is proposed to open 1000 hours to 1800 hours on Mondays to Saturdays, which is with the restricted hours of 0800 hours to 1830 hours restrictions that currently apply. This is welcomed as it will ensure that future customers are discouraged from parking on local residential streets in the vicinity of the site. Instead, they will have to rely on local pay & display car parks that exist in the vicinity of the site and closer to / within the Broomhill District Centre (e.g. Parker's Road) as well as alternative means of travel, including public transport which is not considered to be an issue given that the site is highly accessible by frequent bus services.

Furthermore, the applicant has stated that only 2 staff will be employed at the premises resulting in 2 customers at any one time who will be required to book an appointment prior to attending. There will be no walk-in-service available and, therefore, this would suggest that less car parking provision than the guidelines suggest will be required - especially taking into account the 2 parking spaces at the rear of the premises. This information is noted but can be given little weight on the basis that the building has the capacity to be able to accommodate additional staff and customers, which could occur in the future in the business is successful or a change of ownership (and subsequent business model) occurs.

In light of the above, whilst the potential creation of additional on-street car parking demand and subsequent concerns of local residents are noted, it is considered that the existing permit scheme, waiting restrictions and proposed nature of the business (including reduce hours of operation and to a less extent current staff / customer numbers and existing parking provision) will ensure that there is no significant increase in parking demand that would result in a highway safety issue. As such, it is considered that it would not be justifiable to refuse the application on highway grounds.

Traffic Generation

With regard to additional traffic movements generated by the proposed use, it is considered that the amount that may be generated would not be of a magnitude that would have a material impact on the existing highway network because of the small-scale nature of the use.

Therefore, it is concluded that the proposed development will not have an unacceptable or severe impact on the safety or capacity of the existing highway, in accordance with UDP Policy H14 and the NPPF.

Access

UDP Policy BE7 (Design of buildings used by the public) expects all buildings to be used by the public to provide safe and easy access for people with disabilities with access to existing buildings and their surroundings improved as opportunities arise.

There is a stepped access to enter the building, which could give rise to issues for some less ambulant customers. However, the application seeks permission to change the use only and there are no proposals to make any structural alterations to the buildings entrance. Given the difference in levels between the external and internal ground floor areas it is considered that any works required (i.e. a ramp) would be extensive and potentially harmful to the appearance of the building and the Conservation Area setting. Therefore, whilst level access would be welcomed, it is not considered to be a reasonable requirement given the character of the site and nature of the application.

Notwithstanding the above, it is considered that some facilities could be put in place to improve the existing access arrangements given that the building will now be open to the public. Therefore, a condition is recommended that will require such access

improvements to be given further condition with details submitted, approved and implemented prior to the commencement of the use.

Therefore, subject to the recommended condition, it is concluded that there are no issues in relation to UDP Policy BE7.

Air Quality

Whilst air quality is a material planning consideration with national and local policies including those within the BBEST Neighbourhood Plan existing to ensure that new development does not detrimentally impact on it, given the nature of the proposed use - including its small scale, sustainable location close to a District Shopping Centre and anticipated low levels of traffic generation - it is considered that the proposed beauty salon would have a negligible impact on local air quality. Therefore, in spite of the objections received, it is not considered that there would be a detrimental impact upon air quality resulting from the application.

Broomhill Conservation Area

Despite its position in the Broomhill Conservation Area, there are no external alterations proposed to the subject property and, therefore, it is confirmed that there are no heritage issues to discuss as part of the assessment of this application.

With regard to any proposed signage, it is noted that a representation sought to ensure signage would be in keeping with the Conservation Area. It is not appropriate to limit advertising as part of the determination of an application for planning permission as any new advertisements fall to be determined under separate legislation. A directive can be imposed to remind the applicant that advertisement consent may be required for any proposed signage and that any should be respectful of the sensitive setting.

RESPONSE TO REPRESENTATIONS

It is considered that the objections received that are material planning considerations have been addressed in the 'Planning Assessment' section of this report.

With regard to comments received about the appropriateness of the use in respect of a previous covenant requiring a dignified use and the potential impact of the use on mental health, these issues are not considered to be relevant material planning considerations.

SUMMARY AND RECOMMENDATION

This is an application to change the use of a shop unit to a beauty salon. It is confirmed that 15 objections have been received from local residents.

For the reasons set out in this report there are concluded to be no planning issues arising from the proposed change of use that would substantiate the refusal of this application. Key material considerations in relation to the appropriateness of the use, amenity impact, and highway issues (car parking and traffic generation) have been

assessed and the proposal is considered to be acceptable in such terms with no significant harm anticipated to the surrounding local environment (including houses).

Therefore, it is concluded that the proposal accords with local and national policies and, as such, it is recommended for approval, subject to the conditions listed.

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