
2020/1393

Mr Varun Saluja

Conversion of existing shop/office into 2no 2 bed flats, 1no 4 bed House in Multiple Occupation and associated external alterations

210-212 Sheffield Road, Barnsley, S70 4PG

Site Description

The application relates to a stone fronted mid terrace property which is currently vacant but previously accommodated a cycle shop and its associated offices and storerooms. Accommodation is over 4 floors with a sales area and store on the lower ground floor, sales area and WC on the upper ground floor, sales area, office, store and shower room on the first floor and storeroom within the roof space. Part of the lower ground floor to the rear of the building is in separate ownership and has a separate entrance.

The building fronts Sheffield Road and is set back from the highway by a small forecourt area. Attached to both sides of the building are dwellings and opposite the site are large buildings which have been subdivided into flats, bedsits and HIMO's. To the rear of the property is a single storey car repair garage which is attached to the rear elevation. Beyond the garage are terraced dwellings fronting Commercial Street and Corporation Street.

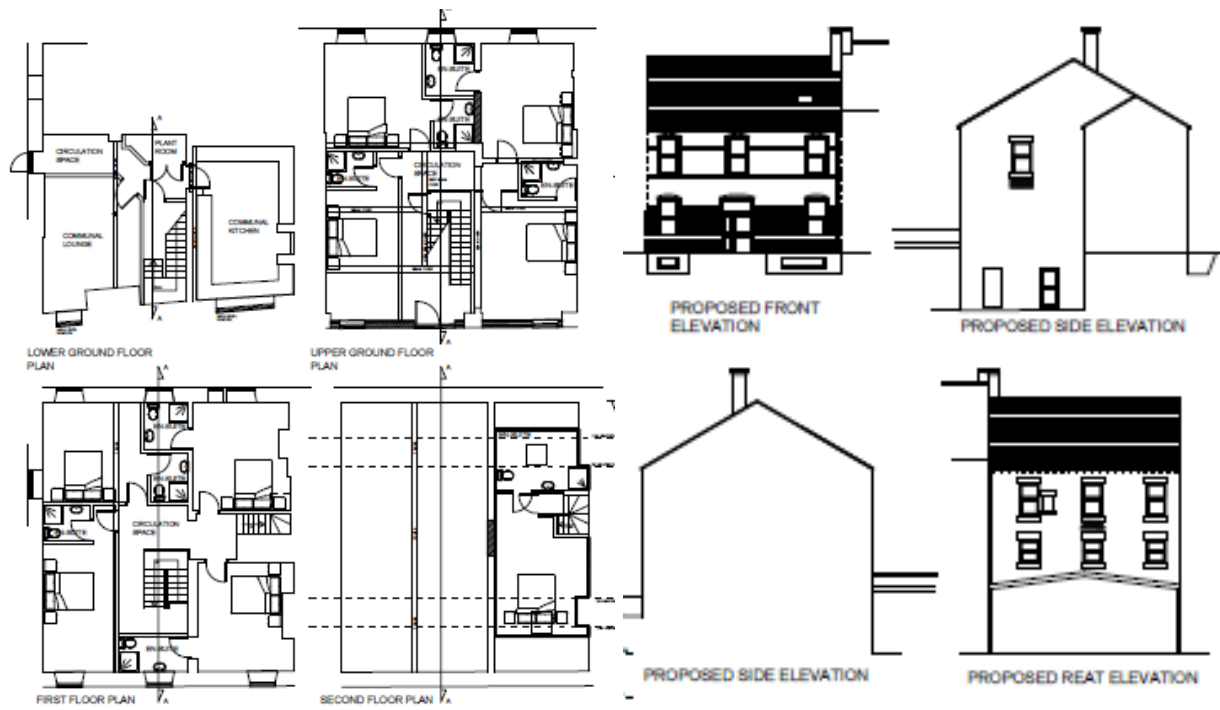


Site History

2017/1254 - Conversion of shop/office/store into 9 bed HIMO with shared facilities - approved

The applicant gained permission to change the use of the building from shop/office/store to a 9-bedroom HIMO with shared facilities. On the lower ground floor there was a shared kitchen and living room, on the upper ground floor there was 4 en-suite bedrooms, on the first floor there was 4 en-suite bedrooms and there would be a further en-suite bedroom in the roof space.

Externally the shop front was to be replaced by a main entrance door and 2 no. windows. There would also be 2no. light wells created to the front to serve the lower ground floor. The only other changes were the replacement of a door with a window at first floor on the side elevation and the reduction in size of an opening at first floor level on the rear elevation.



Proposed Development

The applicant now seeks permission to convert the shop/office into 2no 2 bed flats, 1no 4 bed House in Multiple Occupation and undertake associated external alterations.

Flat 1 would be located on the upper ground floor and consist of 2no. bedrooms (1no. en-suite), a bathroom and an open plan living/dining/kitchen area.

Flat 2 would have an open plan kitchen/dining/living area on the upper ground floor and 2no. bedrooms (1no. en-suite) and a bathroom on the lower ground floor. The bedrooms would be served by lightwells to the front of the property.

The first floor would accommodate the shared living space, a shared bathroom and 3no. bedrooms (1no. en-suite) associated with the HMO. The 4th bedroom (en-suite) associated with the HMO would be located within the roof space.





Policy Context

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy H9 Protection of Existing Larger Dwellings

SPD's/PAN's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 109 - 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.

Para 124 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Consultations

Highways DC – No objections

Regulatory Services – No objections

Private Housing Officer – No objections

Ward Councillors – No comments

Representations

None

Assessment

Principle of development

In recent years conversions to HMO's/bedsits have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes (or buildings capable of accommodation larger homes) and an increase in the number of smaller homes contributing to the imbalance in the housing stock towards smaller homes. This has been a problem particularly in Urban Barnsley around the Town Centre and specifically streets such as Sheffield Road. This has also resulted in a borough wide Article 4 Direction coming into force in June 2021.

This section of Sheffield Road supports a number of HMO's and bedsits. The Councils Private Sector Housing Officer has stated that numbers 203, 211, 226 and 246 Sheffield Road are licenced HMO's and 190, 192, 210 and 242 Sheffield Road are un licenced HMO's.

It is also noted that a number of similar proposals within the immediate area have been refused due to the impact on the character of the area, substandard amenity levels for existing residents within the area and the future residents of the scheme as well as a conflict with the aim of Local Plan Policy H9 'protection of existing larger dwellings' (or buildings capable of being larger dwellings).

The current scheme as assessed under current policies and guidelines would not be supported as it falls short in a number of ways which will be discussed under the headings below. However, the main difference with this property, compared to those refusals within the immediate area, is that it

has previously received planning permission for a 9-bedroom HMO prior to the current policies and SPD's being introduced (Ref: 2017/1254).

Although that use was not commenced within 3 years of the permission being granted, the applicant has supplied photos and videos demonstrating that works have taken place associated with the approval within the 3 years. Although some of the works could have been carried out under permitted development rights, the Councils Legal Officer, with reference to *Malvern Hills v Secretary of State for the Environment*, has confirmed that works which are permitted development can implement a planning permission where the works are done within the 3 year time limit and accord to the approved plans.

Also, reference is made by the applicant to blocking up and enlarging windows which would affect the external appearance of the building which would bolster the argument that the works were sufficient. It does appear that the works were quite extensive based on the video evidence.

Given the comments above, planning permission 2017/1254 has been implemented and the 9-bedroom HMO could be built out without further permissions. This application therefore has to be assessed against that fallback position.

It should also be noted that the Strategic Market Housing Assessment (SHMA) finds no existing households planning to move nor newly forming households planning to form in the next 5 years expressed an aspiration or expectation to move to a studio/bedsit flat/apartment. However, there is a need for 2-bedroom units in the borough. As such, the current proposal is more in line with the findings of the SHMA.

Residential Amenity

It is noted that the property is a mid-terrace and adjoins residential properties, however, the previous approval was for a 9-bedroom HMO. The current proposal is for a 4-bedroom HMO and 2no. 2bedroom flats, resulting in 8 bedrooms in total. As such, there would be a reduction of 1 bedroom, albeit there would be an increase in living areas. As such, the current proposal would not significantly reduce the residential amenity of neighboring residents compared to what could be implemented under application 2017/1254.

The proposed 2no. bedrooms in the lower ground level associated with flat 2 would be single aspect with light coming from 2no. proposed light wells on the front elevation. Outlook would be limited from those windows; however, this reflect the previous approval where the main shared living spaces associated with the HMO were on the lower ground floor and served by 2no. light wells. Furthermore, the main living space associated with flat 2 is on the upper ground floor and served by a window in the front elevation providing light and an outlook.

Flat 2 is also very generous in overall floor space at 84m² compared to the required 62m² for a 2-bedroom property as set out in the South Yorkshire Residential Design Guide.

The ratio of the open plan living area in flat 1 is relatively long and thin, given the position of the staircase. However, the overall floorspace of 68m² exceeds the 62m² requirement of the South Yorkshire Residential Design Guide and all the room would receive adequate levels of light and have an outlook comparable to neighbouring properties. The previous approval also accommodated bedrooms in similar positions on the upper ground floor served by a similar window arrangement.

In terms of the HMO, there would only be 1no. shared room containing the kitchen and living area. This room also falls short of the floor space requirements of the South Yorkshire Residential Design Guide and is contrary to SPD 'Design of Housing Development' which requires separate shared facilities. However, the extant HMO had shared facilities which fell short of the current requirements and those rooms were in the lower ground floor with limited light and outlook.

The current HMO overall provides 128m² of floor space, compared to the 93m² required for a 4-bedroom property. As such, although the shared spaces fall short, the bedrooms and bathrooms for the residents would be of a generous size.

There is no outdoor amenity space for the residents which is contrary to the SPD, however, this reflects the extant permission. Furthermore, the site is within relatively close proximity to Green Spaces and the facilities associated with Barnsley Town Centre.

Given the comments above, although the current proposal falls short in a number of areas associated with residential amenity, it is an improvement on, or comparable to, the extant permission, as such, a refusal could not be justified in this instance nor is the proposal contrary to Local Plan Policy GD1.

Visual Amenity

The external alterations proposed would closely reflect those approved with the only noticeable changes being marginally wider windows on the front elevation at upper ground floor level and 2no additional roof lights in the front roof slope. As such, compared to the extant permission, the visual amenity of the street scene would be maintained to a reasonable degree, in accordance with Local Plan Policy D1.

Furthermore, a number of HMO applications have been refused within the area partially due to the impact on visual amenity and the character of the area. Arguably by reducing the HMO element from 9 bedrooms to 4 and introducing 2no. 2-bedroom properties, that would be more compatible with the character of the area and would be an improvement on the extant permission.

Highway Safety

No off-street parking provision is provided, however, that was the case with the extant permission and there were no highways objections. There is a bus stop immediately to the front of the site with a regular service and the site is also within walking distance of Barnsley Town Centre and the Transport interchange.

In accordance with SPD 'Parking' the extant permission had a requirement of 3no. spaces (1 space per 3 HMO bedrooms). The current proposal also has a requirement for 3no. spaces (1 per 3 HMO bedrooms and 1no. for 2-bedroom properties). As such, the current proposal would not have a greater parking requirement than that already approved. Therefore, highway safety would be maintained in accordance with Local Plan Policy T4

Conclusion

As outlined above, the current proposal does conflict with some current policies and guidelines and, as such, the development as it stands, if considered in isolation, would not be supported. However, there is an extant permission for a 9-bedroom HMO which could be implemented and would also not be supported under current policies and guidelines. The current scheme is considered more desirable and a marked improvement on that scheme in that it reduces the amount of HMO rooms and introduces more desirable 2no. 2-bedroom properties.

That arguably results in an improvement in terms of visual and residential amenity and is more inline with the findings and requirements set out in the Strategic Market Housing Assessment.

Considering the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the scheme. The proposal therefore complies with the development plan and the advice in the NPPF.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

Recommendation - Approve subject to conditions

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

The development hereby approved shall be carried out strictly in accordance with the plans (Nos 2271-1 & 2271-2) and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

The external materials used shall match those used in the existing building i.e. stone on the front and rear elevations and red brick on the side elevation.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1, Design.

An area shall be set aside for the storage of waste bins and waste recycling containers within the property boundary.

Reason: In the interest of highway safety