MAW
TOWN PLANNING LTD

Supporting Statement

303 - 307 The Crescent, Barnsley Road, Cudworth, Barnsley, S72 8SY

Change of use of first and second floor to a 8 bedroom HMO (sui generis) and installation of a dormer on the front facing roof plane

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Application Site

The application site is the first and second floor of 303-307 Barnsley Road, Cudworth. These upper floors have been in residential use since at least 2006. The ground floor of the property has planning permission for two flats. At the rear is a small courtyard, which is currently used for parking. It is an open courtyard that is shared informally with the neighbouring properties.

The site is a mid-terrace in a row of commercial properties. The row is designated as secondary shopping frontage. The surrounding area is mixed commercial and residential.

In 2022, a certificate of lawful use was refused for an 8 bed HMO. This was refused due to a lack of unambiguous evidence and lack of evidence to demonstrate continuous use. It is also noted that the floor plans provided with the CLEUD showed both kitchens and bathrooms in each room, which is more akin to a C3 use, rather than an HMO. Whilst the certificate was refused, the evidence does demonstrate that the upper floors have been used for residential accommodation in some form for over 10 years, whether periodically or continuously.

This application seeks planning permission for an 8 bed HMO. A planning approval would give a lawful use for the upper floors and allow the owner to finance a refurbishment.

Planning History

2007/1853: Conversion of ground floor shop units into three bed sits - Approved with conditions

2020/1345: Change of use of ground floor retail units with HMO above to 6no.apartments including external alterations - Refused due to inadequate room sizes, lack of dedicated parking, and lack of private amenity space

2021/0301 - Change of use of ground floor retail units to 2no. flats - Approved with conditions

2022/0170 – Lawful development certificate for a 8 bedroom HMO – Refused

The Proposal

This application seeks consent for an 8 bedroom HMO and a dormer.

There is no standard definition for a HMO, but it can be defined as a shared house occupied by unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. The proposed floor plans show that each bedroom would have en-suite facilities and a kitchen would be shared. As such, the proposal is designed internally to fall within the definition of a HMO.

Principle of the Proposal

The proposal is to allow the lawful occupation of the upper floors for a residential use – a 8 bedroom HMO. The NPPF promotes the boosting of housing supply and encourages the re-use of under-utilised buildings.

Paragraph 120 of the NPPF states planning decisions should “promote and support the development of under-utilised land and buildings”. Policy H4 of the Local Plan permits in the principle, dwellings above shops.

Living Standards

The proposed floor plans show eight en-suite bedrooms and a shared kitchen/ communal space. All the rooms are significantly larger than the minimum floorspace required by licensing. Each bedroom has space for a bed, desk, wardrobe and television. A dormer has been proposed to room 5 in order to improve its internal standard and provide an outlook. This will ensure each bedroom benefits from a window with outlook, light and natural ventilation.

The site has the benefit of amenities and access to public transport within a short walk.

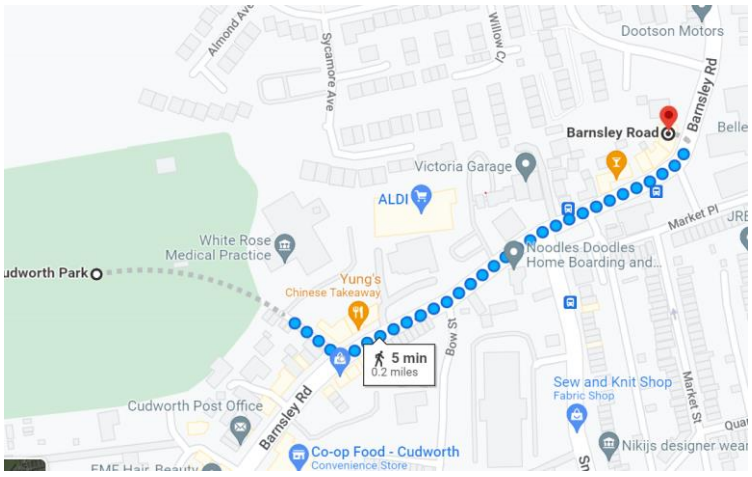
A HMO property may not appeal to all types of people as a living arrangement but they are an accepted type of tenure in the UK, appealing to many persons, particularly single people who may work in the area and require a home that accommodates all their day to day needs, with quite often a payable weekly rent with all bills included. Any future occupiers of the HMO would have access to a bedroom, bathroom, living room and kitchen.

Application 2020/1345 was a refusal for six flats at the application site (3x 1 bed and 3x 2 bed flats). One refusal reason was due to internal sizes, but this reason falls away by changing the proposal to an HMO. A second refusal reason was due to the lack of amenity space for the proposed six flats.

The site has limited private amenity space. Although, the shared yard at the back is large enough for tenants to sit out or perhaps hang out clothes to dry.

It is not unusual for residential uses above commercial properties to have limited amenity space and this is a commonly accepted arrangement for mixed use properties and town centre living.

The site is well served by public transport, which gives tenants an opportunity to travel for leisure and days out. The site is also close to Cudworth Park, which is a 5 minute walk away:



Source: Googlemaps.

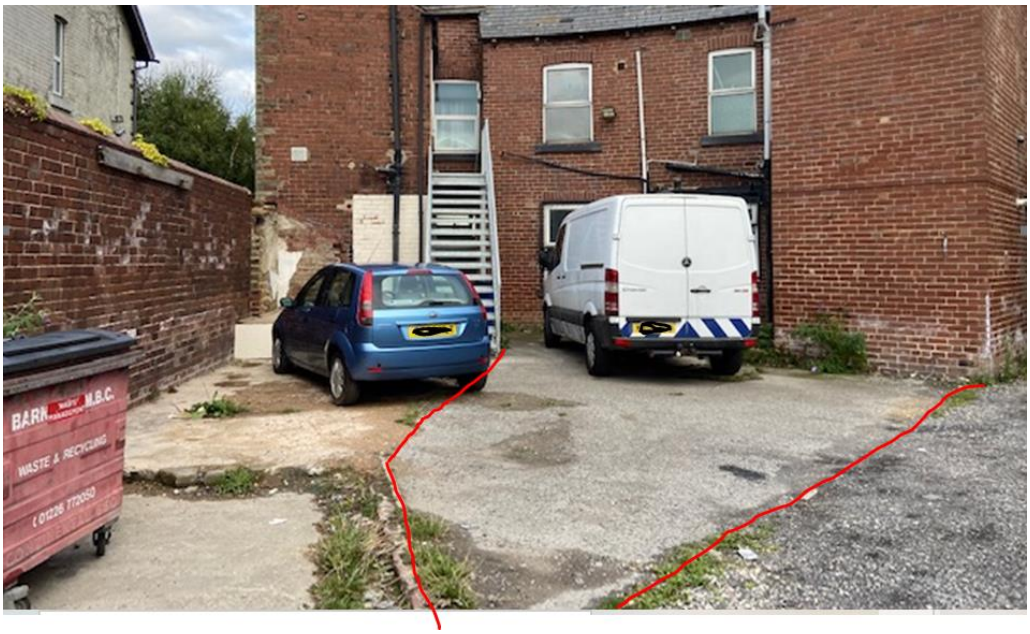
The previous scheme included 3x 2 bed flats. A 2-bed property can accommodate a small family. Where family accommodation is proposed, this increases the need for outdoor space, for instance space for children to play. This scheme has changed the dwelling type to an HMO, which is a house type that would be occupied by adults only on a short-term tenancy. As such, this scheme may be considered by the LPA as a more suitable housing type for this property and sufficient to overcome the previous refusal reason regarding amenity space.

In support of this stance, appeal APP/G1250/W/18/3204719 was for a commercial unit to accommodate 8 flats. This was a site that had no amenity space. The appeal decision states "*None of the flats would have any private amenity space….i agree that it is common for flats above commercial premises to be provided with no amenity space. Moreover, the nature of the flats proposed in this case is such that they are unlikely to be occupied by families with children requiring outdoor amenity space, so the limited amount of amenity space is not a reason to dismiss the appeal".*

It is also noted that the LPA supported application 2021/1269, which was for the conversion of a building to an HMO with no amenity space. When considering amenity space, the LPA supported the proposal without any private amenity areas and gave weight to the site's close proximity to public open space. Whilst public open space is not necessarily a substitute for private space, it is noted that sometimes it is not always possible to provide an on-site private amenity area, and this has to be balanced against other material planning considerations such as bringing buildings into use and boosting housing supply.

Parking and Impact on Highway Safety

Due to site constraints, the proposal does not include any off street parking. Although, the rear of the site has been historically used for parking of 1 vehicle:



Red line indicates property boundary

One of the reasons for refusal of application 2020/1345 was due to lack of parking. The refusal reason stated:

"The proposed development does not provide any off-street parking to support the proposed use, nor does it provide any Electric Vehicle charging points. In the opinion of the Local Planning Authority, the proposed development therefore does not provide adequate off-street parking for future residents, contrary to SPD: Parking and Local Plan Policy T4: New Development and Transport Safety and the proposal will not support or encourage Sustainable travel, contrary to SPD: Sustainable Travel"

Local Plan Policy T4 states:

"New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition"

The Barnsley Design of Housing Development SPD states conversions to HMO's will only be allowed whereby:

"*Satisfactory provision is made for off-street car parking in accordance with the Council's standards or, exceptionally the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off street car parking."*.

Paragraph 111 of the NPPF states "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".

It is not possible to create additional off-street parking, so it is considered reasonable in this case to not apply parking standards. It is more reasonable instead to consider whether the proposal would give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s).

On a site visit to the property and surrounding area on 17th August 2022 at 6pm, it was noted that the road at the front of the property has double yellow lines:



Across from the site is a small public car park, which is unrestricted and has 10 spaces. At the time of the visit (and at time when residents are more likely to be at home) only 4 of the 10 available spaces were in use:



On streets nearby there are terraced properties, most of which do not have off street parking. Therefore, residents rely on street parking. On the site visit of 17th August, no highway safety issues or hazardous parking was identified as a result of on street parking. The nearby streets were well used for parking but there was still availability for car parking:



The 17th August site visit only gives a snap shot of the parking availability in the immediate area but it still demonstrates that parking is not in significant demand at all times and on street parking is not causing congestion or a highway safety issue.

The site is located in an area which has good access to public transport and local services. Where sites are in sustainable locations (such as this site) there is an opportunity to rely less on the car, which in turn can reduce car ownership.

This is a small scheme for an HMO. Occupants of a HMO tend to have low car ownership levels. For instance, sometimes, persons living in an HMO may work at the same employer and will often car share and share the cost of one car.

As such, whilst limited off-street parking can be provided, this is a scheme that is unlikely to generate a high demand for on street parking and no highway safety issues have been identified.

Regarding an electric vehicle charging point, this is not specifically listed as a requirement of Local Plan Policy T4 or the NPPF. However, should the Council consider this to be reasonable and necessary for planning approval to be obtained, one could be installed at the rear of the property and imposed as a condition of any planning approval.

Conclusion

The site has historically been used for some form of residential purpose, whether that is small flats or shared housing. An approval would give the upper floors a lawful residential use and provide a financial incentive to the owner to refurbish the property and bring it up to modern day standards. The internal living standards of room 5 would also be improved by the installation of a dormer. Finally, an approval will

allow the LPA should they want to, control and improve certain aspects, such as imposing a condition for an EV charging point.

An 8 bed HMO is a low density proposal because each room is considerably bigger than minimum licensing standards. The outdoor space is limited but there is still space for tenants to sit outside or hang washing out to dry. Due to site limitations, it is not possible to provide a larger amenity space. Nevertheless, limited amenity space is a common arrangement for mixed use properties and town centre living and the proposal now under consideration is for short term lets and adults. The site is well located for access to amenities, public transport and public space, which would prevent tenants feeling isolated and a larger than average kitchen/ communal space is also included, which will provide an opportunity for tenant interaction.

This is a small-scale housing proposal that is highly unlikely to generate a significant parking demand. The site is in an area which is regarded as sustainable and due to its easy access for public transport, the reliance on the car would be low. Anyone who lives at the property and owns a car is likely to be able to park in close proximity on public streets or public car parks, where it is safe and available. No highway safety issues have been identified and it is also noted that the double yellow lines at the front will prevent residents parking on the main road.

The proposed dormer on the front elevation has been designed to match the other dormers alongside it and matching materials are proposed.

As such, it is considered that, on balance, development stands in favour of being granted and would be in accordance with the NPPF's objective of promoting sustainable development and the relevant policies of the Local Plan.

If the Local Planning Authority would like to discuss the application or have any questions, please do not hesitate to contact me.

Yours sincerely

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Maw Town Planning Ltd