

Applicant: Ms S Baxter

Description: Change of use from childcare facility to 8 bedroom large house of multiple occupation (Retrospective)

Site Address: 5 Stainborough Road, Dodworth, Barnsley, S75 3NF

Site Location and Description

The application relates to a predominantly 2 storey, detached building located to the South East of Stainborough Road in Dodworth. The application is retrospective, so the building currently accommodates a 8-bedroom HMO. The use commenced circa 2012 but before that it was used as childcare facility, and a public house before that. The building fronts the highway and has an area of hardstanding used for parking and manoeuvring to the East of the building.

The surrounding area is predominantly residential in nature with neighbouring dwellings adjacent to the East, South and West boundaries. Beyond Stainborough Road to the North is an area of green space containing a children's play area.

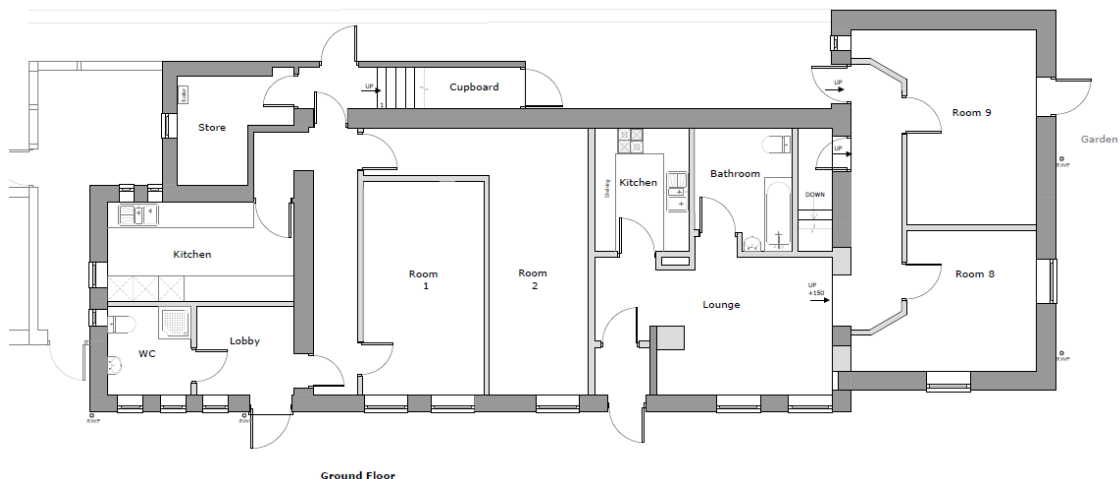


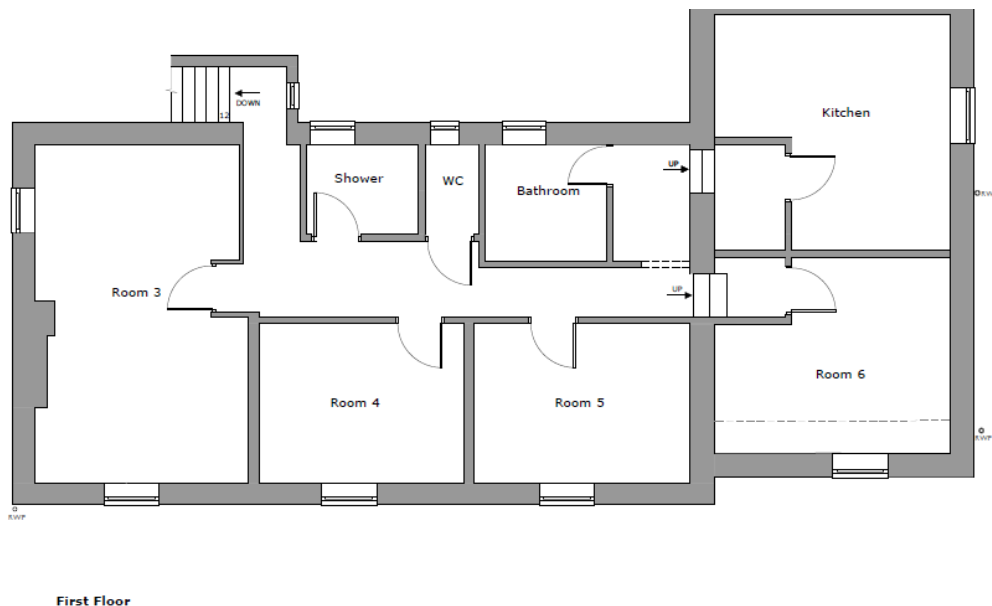
Site History

03/2017 – Conversion of premises to form a day care centre - approved

Proposed Development

The application seeks retrospective permission to retain the current 8-bedroom HMO which has been operating from the building since circa 2012. The building consists of 4no. bedrooms, 2no. shared kitchens, a shared lounge, shared shower room and shared bathroom on the ground floor and 4no. bedrooms, a shared kitchen, a shared shower room and a shared bathroom on the first floor. Parking is available in the car park adjacent to the Eastern elevation of the building.





Policy Context

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

Policy H1 The Number of New Homes to be Built

Policy H4 Residential Development on small Non-allocated sites

Policy H6 Housing Mix and Efficient Use of Land

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 BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy CC4 Sustainable Drainage System (SuDS)

Policy RE1 Low Carbon and Renewable Energy

SPD's

Those of relevance to this application are as follows:

- Design of Residential Development
- Parking
- Sustainable Travel

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

Para 111 - 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 126 - 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 – no objections

Safer Neighbourhoods – no objections, licence recently granted for upto 11 people and the internal layout inspected is as shown on the plans.

Air Quality Officer – requested EVC charge points

Ward Councillors – 2 no. cllrs have responded, the main points raised are;

- Questioned the loss of jobs cited in the application form
- Questioned spaces for bins/re-cycling
- Applicant does not live in the area so who manages the property

Representations

None

Assessment

Principle of development

All dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Conversion of buildings to dwellings, flats or houses in multiple occupation (HMO's) will be allowed where the following criteria are satisfied;

- HMO's account for less than 10% of the residential properties within a 50m radius of the site

- HMO's account for less than 10% of the properties on the street in question
- The proposal would not result in 3 or more HMO's being located immediately adjacent to each other
- The building and curtilage are of sufficient size
- HMO's should have a shared facilities
- Garden sizes and separation distances should reflect the requirements set out in the general criteria
- Internal spacing should meet the requirements

The applicant has indicated that work on the building to convert it into a HMO took place in 2011 and the use commenced in 2012. As such, the use is only 1 year short of being exempt from Enforcement action and being able to apply for a Lawful Development Certificate.

Design / Visual Amenity

As outlined on the elevation drawings below, the external alterations undertaken to change the use of the building from a childcare facility to HMO are limited to very minor fenestration amendments on the side elevations which do not materially alter the appearance of the building, as such, visual amenity is maintained, in accordance with Local Plan Policy D1.

Previous Childcare facility elevations



Current elevations associated with the HMO



Waste and recycling is always a concern with HMO's given the number of people living in the building, however, as stated previously the building has been host to commercial uses which will have generate waste. Furthermore, there is space within the curtilage of the building to the rear of the carpark to store waste and recycling containers so as not to dominate the streetscene.

Residential Amenity

It should be noted that the building has accommodated an 8-bedroom HMO since circa 2012 and no objection letters have been received from neighbouring residents. Prior to that the building also accommodated commercial uses including a childcare facility and a public house which would have generated some noise and disturbance within the area. As such, given the previous uses, the predominantly residential nature of the surrounding area and the lack of complaints relating to the use, residential amenity would be maintained to a reasonable degree in accordance with Local Plan Policy GD1.

SPD 'Design of Housing Development' states that the conversion of buildings to HMO's will be allowed subject to a number of criteria. There is no evidence to suggest that more than 10% of properties on Stainborough Road are HMO's and there are no more than 10% of the properties within 50m radius of the site which are HMO's. The building and curtilage are of a sufficient size for the use and the residents are afforded adequate shared facilities. The room sizes of both the bedrooms and the shared facilities generally meet or exceed the requirements set out in the SPD. It is noted the 2no. of the kitchens fall short of the SYRDG requirements, however, there is 3no. kitchens in total and the first-floor kitchen exceeds the requirements for a dining kitchen.

It is noted that there are no private amenity spaces dedicated to the residents given the majority of the curtilage is occupied by hardstanding providing parking and manoeuvring space and the rear elevation of the building is relatively close to the rear boundary. However, the building is directly opposite a green space containing a children's play area and the TPT and open countryside is a short walk from the building, as such, residents would have access to outdoor space and recreation.

As outlined above, the front elevation of the building faces a play area, however, the 20m separation distance is met.

The rooms within the building utilise the pre-existing openings. The only new openings created were on the side elevations which either face the highway or the carpark. The rear elevation is relatively close to the rear boundary and falls short of the 21m required to the habitable room windows of the neighbouring properties, however, there are no habitable room windows in the rear elevation. As such, privacy levels are to a reasonable degree, in accordance with Local Plan Policy GD1.

Highways Safety

SPD Parking states that HMO's should have 1 parking space per 3 rooms, however, there is space for circa 8 cars within the car park, plus ample turning space for cars to enter and exit in a forward gear. Furthermore, the building has previously been host to commercial uses which generated vehicular movements and parking requirements from staff and visitors.

Highways have been consulted on the application and have raised no objections.

The Air Quality Officer, in line with the Sustainable Travel SPD, has requested Electric Vehicle Charging points. However, given the car park already exists and the requirement is for 1 charge point per 10 spaces, but the HMO use is only required to provide 3 spaces in total, it would be unreasonable to request a charge point in this instance.

Conclusions

Taking into account 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 revised scheme. The proposal therefore complies with the development plan as a whole 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