
2022/0086

Ms Richa Rishiraj

Variation of condition 2 (approved plans) of planning permission 2020/1393 to enable changes to the internal layout - 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.

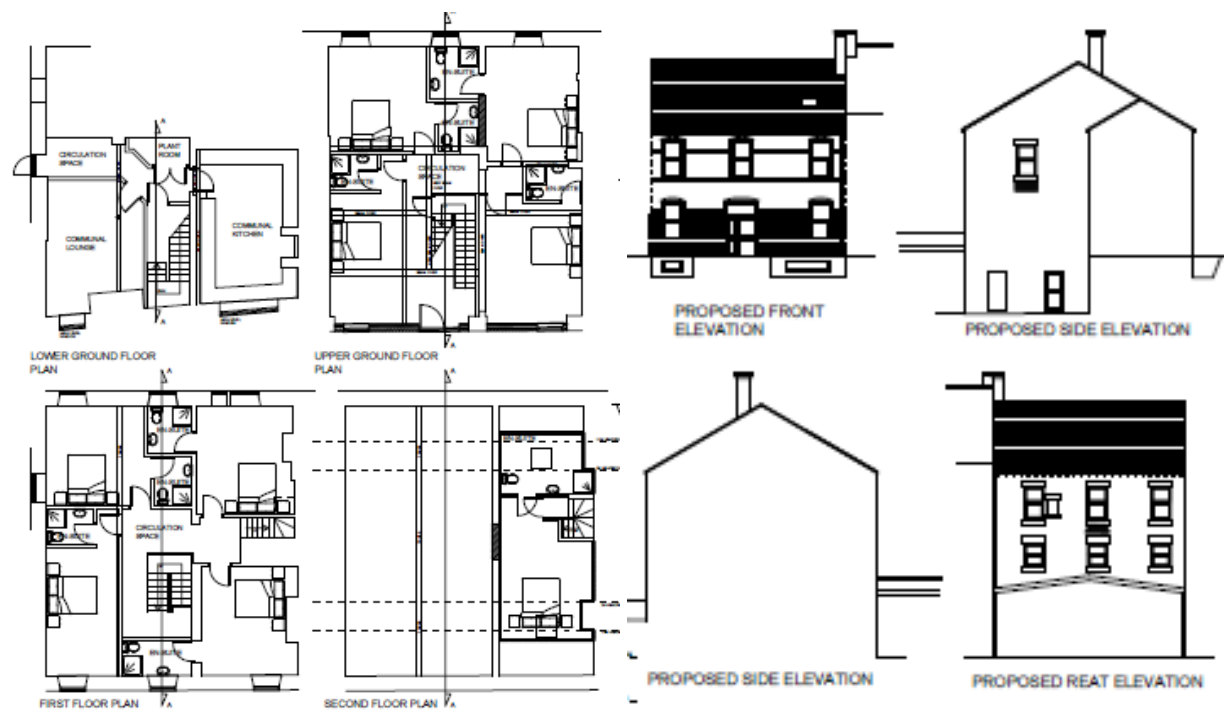


Site History

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.



2020/1393 - Conversion of existing shop/office into 2no 2 bed flats, 1no 4 bed House in Multiple Occupation and associated external alterations – approved subject to conditions

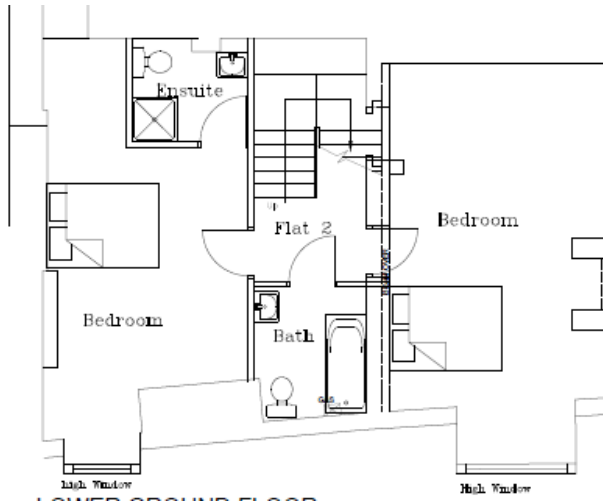


Proposed Development

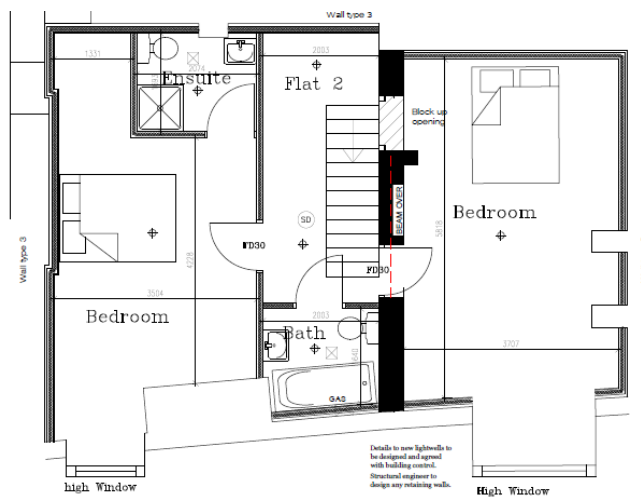
The applicant seeks permission to vary condition 2 (approved plans) of planning permission 2020/1393 to enable changes to the internal layout.

Lower ground floor

As approved



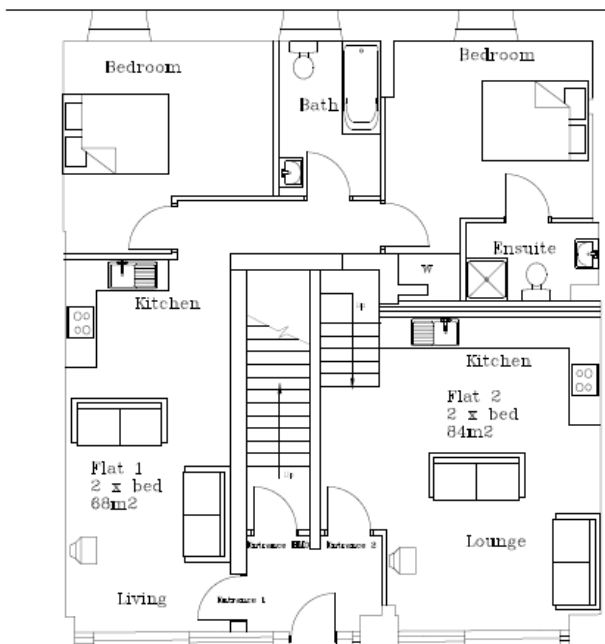
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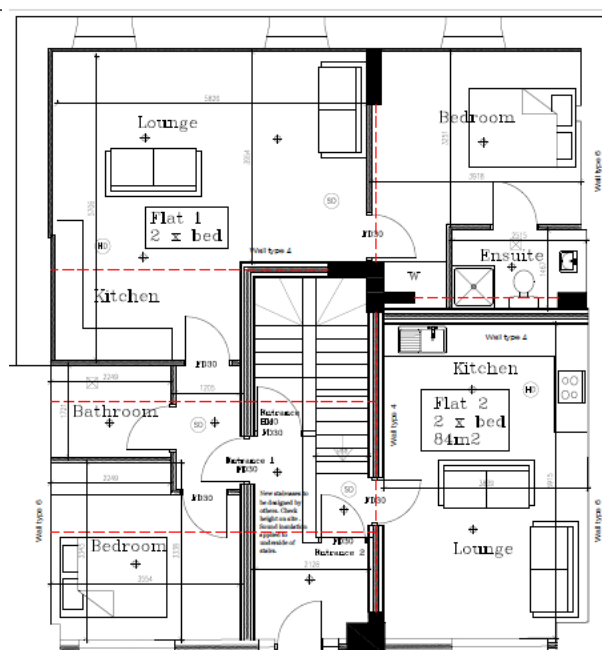
The main changes on the lower ground floor related to the replacement of the return staircase with a straight staircase and amendments to the bathroom of flat 2 to make it larger.

Upper Ground Floor

As approved



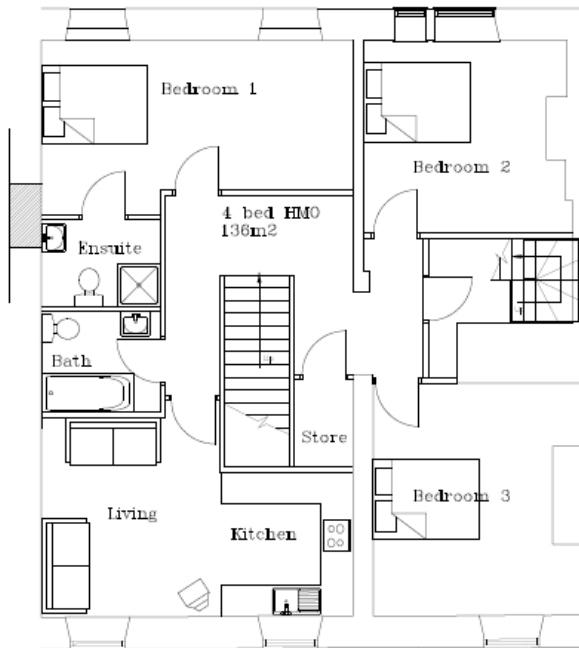
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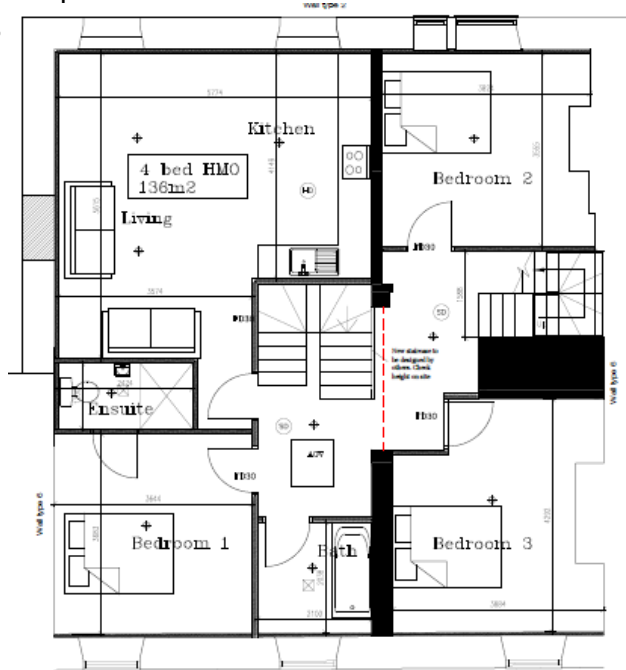
The main changes relate to the flipping of the living accommodation and sleeping accommodation in flat 2 (bedroom to the front living/dining/kitchen to the rear. There have also been amendments to the stairs in flat by creating an enclosed staircase rather than open to the living space.

First Floor

As approved

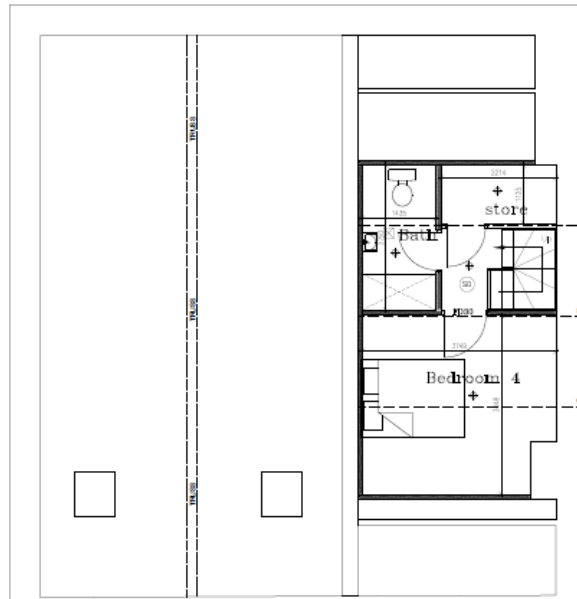
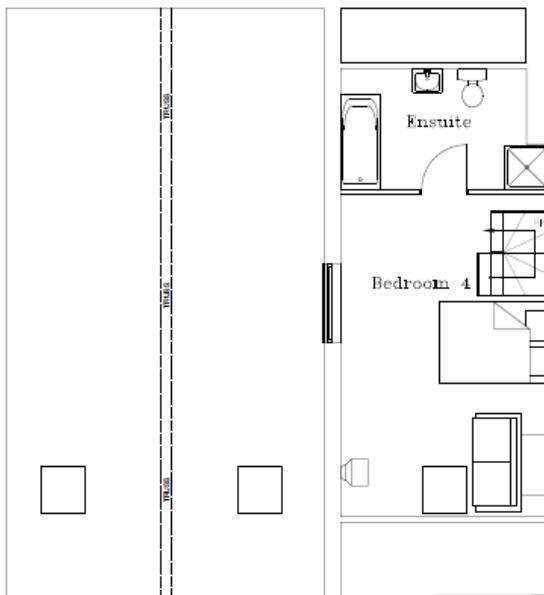


Proposed



In terms of the 4 bed HMO, again there would be changes to the central stairwell and the living/dining/kitchen area would swap places with en-suite bedroom 1 and the shared bathroom

Second Floor



The main change on the second floor is the reduction in available floor area for en-suite bedroom 4, the previously approved seating area has been removed and bathroom replaced with a shower room.

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

Ward Councillors – No comments

Representations

A site notice was erected within the immediate area and consultation letters were sent to 7 neighbouring properties. 17 letters of objection have been received; the main points of concern are;

- Already a high concentration of HMOs within the area
- Increase in antisocial behaviour
- Parking problems within the area
- Increase in waste and litter
- Poor management of similar properties

Assessment

Principle of development

This application relates to the same use, same amount of units and same number of bedrooms as application 2020/1393, as such, the principle set out in the previous Officer Report is still relevant;

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.

This application is simply to make amendments to the internal layout of the property as previously approved; the application will therefore be assessed as such under the following headings;

Residential Amenity

Unusually application 2020/1393 did not receive any objections, however, the current application which simply seeks to amend the internal layout has generated 17no. objections. Unfortunately the majority of the objections focus on the principle of the development and the use of the building which has already been established, as such, only the comments relating to the amendments subject to this application can be considered.

In terms of the lower ground floor, the flat would remain largely as previously approved albeit with an amended staircase and a marginally smaller bathroom. The amenity levels of that flat would not be significantly different to the extant permission for the future residents.

The upper ground floor amendments arguably improve flat 1 in that the living space would be increased in floor area and would be served by 2no. windows rather than 1. The living area would also be to the rear of the property which would be quieter and have a better outlook. The bathroom would have no natural light as a result of the amendments but it is considered a non-habitable room.

The en-suite bedroom of flat 2 remains largely as previously approved. It is noted that the living area floor space would be reduced by enclosing the staircase but that area was only circulation space between the door and the stairs, as such, the amount of usable space is not significantly affected.

On the first floor, bedrooms 3 and 4 remain largely as previously approved. Again, arguably, the changes to bedroom 1 and the living space are an improvement on the previous approval as the newly proposed living area to the rear of the property is more spacious than the extant permission while the size of bedroom 1 remains similar. In addition the bathroom gains natural light.

On the second floor, the proposed bedroom would be reduced in size and no longer have a sitting area, however, it would still be en-suite and would not be separated from the stairwell. Furthermore, the size of the bedroom would still meet the requirements of the SYRDG.

Given the comments above, the proposed amendments would not be detrimental to the amenity levels or neighbouring residents or the future residents of the development, arguably, some of the changes improve residential amenity over and above the extant permission. As such, the development is in accordance with Local Plan Policy GD1 and the SPD.

Visual Amenity

No significant amendments are proposed to the external appearance of the building, as such, the current proposal would have no impact on visual amenity compared with the extant permission. As such, the proposal accords with Local Plan Policy D1.

Highway Safety

There are no additional units or bedrooms proposed, as such, the previous comments relating to highway safety are still relevant;

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

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