

## PLANNING COMMITTEE – 18<sup>th</sup> October 2022

**REFERENCE NUMBER:** 22/00380/FL      Application Expiry Date: 20 June 2022  
**Application Type:** Full Planning Permission

**Proposal Description:** Proposed change of use from shop & house to 9no bed home of multiple occupation (HMO)(amended title)(amended plans)  
**At:** 205 - 207 Sheffield Road, Killamarsh

**For:** Mr Karmjit Singh

**Third Party Reps:** 1      **Parish:** Killamarsh Parish  
**Ward Name:** Killamarsh East Ward

Case Officer Alice Lockett

Date of Report: 4 October 2022

### MAIN RECOMMENDATION: GRANT

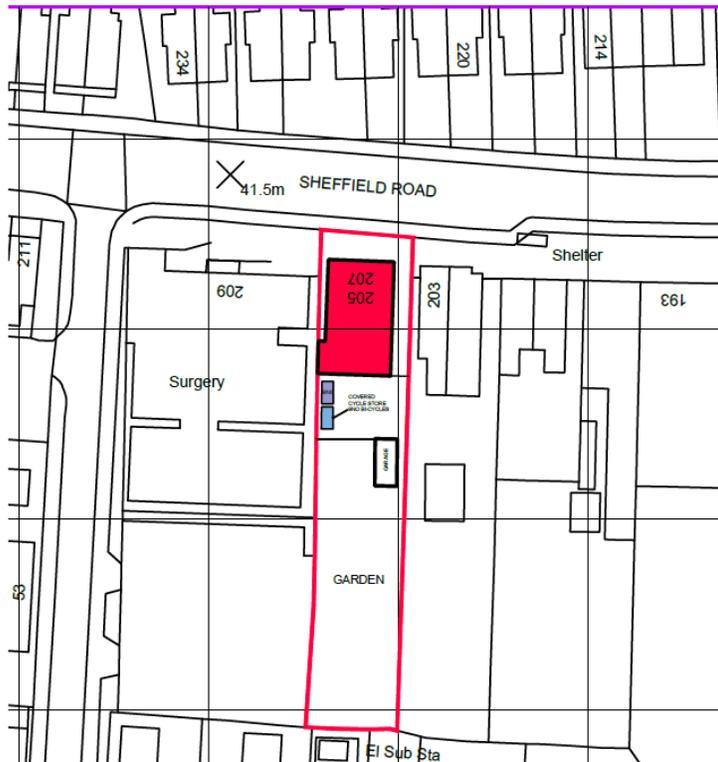


Figure 1 Location Plan 1:1250

## **1.0 Introduction**

Members will recall that this application was originally considered at September Planning Committee when it was deferred to enable additional information to be submitted regarding a travel plan, parking guidance and fire escapes. The following paragraphs (1.1 to 1.3) identify what additional information that has been submitted by the applicant and Officer comment on it follows.

The original Officer report prepared for September Committee is then reproduced in full at paragraph 2 onwards and it remains unchanged.

### **1.1 Travel Plan**

The applicant has submitted a Travel Plan prepared by Aimee Thompson Transport Planning (attp). The plan assesses the sustainability of the application site and among other things lists the number of locations within walking (2km) and cycling (5km) distance as well as the number and destination of buses. The Travel Plan shows that the application site is well served by shops, food outlets, chemists, a post office, primary schools and other services within walking distance and larger supermarkets, secondary schools, shopping centres and hospitals within cycling distance. Further to this public transport provides good connections to local towns and to tram and train services within 10km. The Travel Plan then outlines how the applicant will ensure that residents of the development will be encouraged to avoid car use by walking, cycling and using public transport. This will be laid out in a travel pack provided to prospective residents. The contents of the travel plan and subsequent documents available to residents can be controlled by condition.

[Any further comments received from DCC Highways prior to Committee will be included in the Late Representations pack.]

### **1.2 DCC Parking guidance document**

Officers have questioned DCC Highways colleagues about the draft Derbyshire Street Design Guidance (mentioned in paragraph 1.4.1 below) and have been told that the document is at a very high level discussion stage and is therefore not close to adoption.

As such Officers place no weight on the document despite it being raised in representation.

### 1.3 Fire Escapes

The applicant has submitted a plan showing the fire escapes, the paths of escape, smoke alarms, fire doors and fire safety signage, emergency lighting and fire extinguishers etc. These are all details which are controlled by Building Regulations.

The Derbyshire Fire Service have been consulted and have responded with the following advice. [N.B. This is not an issue(s) enforceable by the council as Local Planning Authority and would be addressed by building regulations.]

Derbyshire Fire and Rescue Advice:

The following recommendations, whilst they may not be enforceable, are offered as general advice in the interests of greater fire safety.

The Fire and Rescue Authority strongly recommend the Installation of a Domestic Sprinkler System in the above premises, however should [the applicant] choose not to install a Domestic Sprinkler System at this stage, the Fire and Rescue Authority would like to recommend that [the applicant] provide a minimum 32mm water supply capable of delivering the required volumes which would allow an installation to be carried out easier and at less cost should this be proposed in the future.

### 1.4 Late representations reported to the September meeting (included here for reason of completeness)

DCC Highways

- 1.4.1 The Case Officer wrote to DCC Highways Authority in order to clarify that the 9 bed HMO could house up to 15 occupants due to the 2 bed nature of some of the rooms. The Highways Officer responded as follows:

***1)Does this change your view that the proposal would not have demonstrable material harm relative to existing conditions on the road network?***

As previously stated in Highway's response that in DCC guidance Part 4 of the DSP (Highway requirements for developments Part 4), no advice is available for HMO parking. However, DCC's draft Derbyshire Street Design Guidance has advised on the HMO parking standard but has not yet been adopted. In accordance with this Draft Guidance, the parking is based on the number of bedrooms and not on the number of occupants. So for 9 bedrooms HMO, 3 car parking spaces could be proposed.

The Highway Authority as you are aware didn't accept the parking proposed at the rear of the property due to the substandard access width, limited emerging visibility due to the parked cars on the adjacent parking bays, and the non-existent pedestrian intervisibility splays as these issues, on busy Sheffield Road, having bus routes and pavement with high footfall demand, could result in possible road safety matters.

The Highway Authority does not consider that generated traffic due to the change of use proposal would result in such demonstrable material harm relative to existing conditions on the road network as such that refusal could be sustained. Furthermore, the site is within close walking distance to a bus stop with shelter, which is approximately 25m from the site, and there would appear to be nearby amenities and facilities within walking distance. Additionally, the site is within close proximity to sustainable transport infrastructures/links such as footways, PROW and Greenway routes and nearby crossings, and there are existing parking restrictions (in the form of double yellow lines) in place in the surrounding area.

***2) Would you still be happy with a condition for storage for 9 bicycles?***

In terms of conditions, as per our response of 26/08/2022, the Highway Authority recommends that a planning condition be appended to this proposal to provide 9 safe and secured cycle parking spaces. The Highway Authority also advised that the travel plan statement be conditioned, which should include measures to promote sustainable travel choices in the area and measures to make future occupants aware of the car parking situation, all as agreed with the LPA in consultation with the Highway Authority. I will further advise that a general Parking Management Plan Pre-commencement condition be attached, which should discuss how the parking for this development be managed so that the No Car Parking proposal should not have an impact on on-road parking. As part of this document, the applicant has to demonstrate how the future occupant will be encouraged not to use the car and encourage more sustainable transport measures in the area. Furthermore, the applicant needs to make occupants aware of this proposal being proposed as a 'No Car Parking', proposal either by information added in the Tenancy Agreement/Housing Contract document, and this information should form part of the Parking Management Plan.

I haven't dealt with many HMO applications; however, in the past, as part of my previous job for student accommodation advised Parking Management Plan, a similar condition which I am suggesting above. I am anticipating that the suggested condition would be helpful to control haphazard potential parking issues in the area resulting from this proposal.

## **OFFICER COMMENTS:**

*This is clarification from the Highway Officer that he understands the scale of the proposal and that it still would not negatively impact highway safety due to lack of parking. The Highways Officer has suggested a further pre-commencement condition requiring a parking management plan*

### 1.4.2 The Applicant

The Applicant agreed to the Highway Conditions outlined above.

### 1.4.3 Interested Parties

Two comments were received from members of the public, in summary (the full transcript is not set out here) the comments covered the following:

- Lack of parking and impact on accessing local businesses and the doctors surgery
- That a HMO is not in keeping with the rest of Killamarsh
- That Killamarsh does not have and does not want HMOs
- That Killamarsh is over developed

## **1.5 Officer Comments:**

The issue of parking has been discussed in the [original] report below and additional (submitted) information is set out in respect of travel planning and parking above.

Officers are of the view that as a level 1 settlement, Killamarsh is a sustainable location where development is encouraged and that the services which contribute to that sustainability coupled with the submitted Travel Plan support the potential development being delivered as a “no car” project.

Officers conclude that the sustainability of the location particularly lends itself to this type of development at the centre of an otherwise sustainable settlement. The DCC guidance is given very little weight by Officers due to its early stage of development, it not forming any part of this Council’s own Development Plan and its lack of scrutiny.

Officers re-iterate that the issue of fire escapes and fire safety would be properly and best addressed by the Building Regulations.

## **1.6 Conclusion:**

In noting the discussion that took place at the September Planning Committee and the additional information now submitted Officers retain

their view the development is acceptable subject to the conditions as set out below and recommend that planning consent is granted as set out in paragraph 10 below.

## **SEPTEMBER 2022 COMMITTEE REPORT [paragraph numbers only altered]**

### **2.0 Reason for Report**

- 2.1 The application has been called into committee by Cllr Clough for the following reasons:
- 1) Concerns raised that this would reduce the availability of a varied shopping range and remove the main operating newsagent in a busy shopping area.
  - 2) Being a busy shopping area there are concerns that the main road/traffic would be affected by the need for extra vehicles to turn in and out of the site from/to a busy main road. There are already 2 junctions close by feeding the extending shopping area and an elderly residential area, with a crossing point very close to an already busy junction.
  - 3) The entrance to the site is situated next to a bus stop and therefore it is felt that visibility will be obscured causing both danger to the oncoming traffic and pedestrians.
  - 4) There is also a concern that as this is a busy area with the doctors surgery next door and chemist adjacent to doctors, making the risk to pedestrians much greater.
  - 5) The footpath in recent years was widened to make the area safer for pedestrians, to allow this change of use would put the very same pedestrians at greater risk with the potential for an accident waiting to happen.
  - 6) The proposed entrance to the parking area is very narrow and there is no clear sight of vision when driving on to a public footpath.
  - 7) It is felt that this is not an appropriate site for this kind of property and the area wasn't designed as such.
  - 8) There is only a small limited amount of parking to the front of the premises and a potential to cause obstruction, as the property is only considered for 3 parking spaces to the rear but an availability for up to 13 residents across 9 rooms, highlights that 3 is certainly not enough.

### **3.0 Proposal and Background**

- 3.1 204-207 Sheffield Road is a detached building located to the south of Sheffield Road. The site is currently occupied by a convenience store with accommodation above. To the rear is a garden which can be accessed via a narrow drive to the east of the building. The neighbouring properties No. 203 Sheffield road to the east and a doctor's surgery to the west. To the rear the application site is bounded by an electricity substation and 125 The Bungalows although the dwelling is over 50m away as a consequence of the rear garden of the application premises.



Figure 2 205-207 Sheffield Road as existing showing narrow access rear on left of the building

3.2 This application seeks permission for the change of use of the shop and associated accommodation to a 9no. bed home of multiple occupation (HMO). The accommodation would be spread across 3 floors and include a kitchen and dining/sitting room on the ground floor. To the rear a cycle store is proposed in the northern end of the garden.

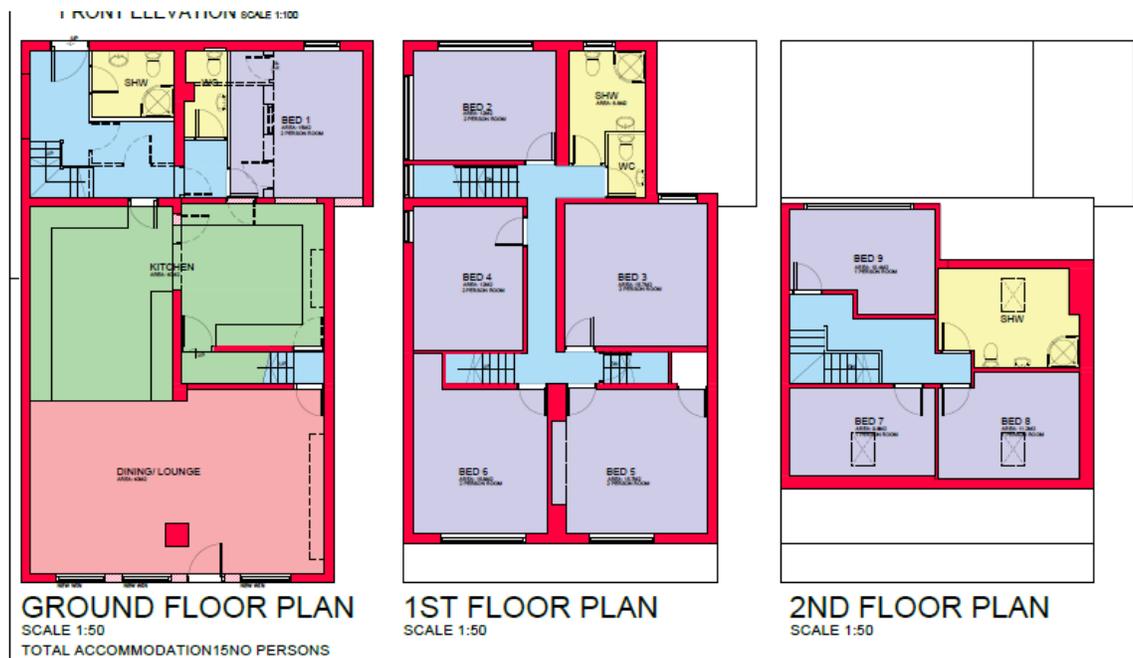


Figure 3 Floor Plans

#### **4.0 Relevant Planning History**

- 4.1 The planning history relates to the current use of the building as a shop and dwelling and has no bearing on the current application beyond an understanding of the current use.

#### **5.0 Consultation Responses**

- 5.1 Environmental Health Officer- no objections to the proposal in principal

- 5.2 NEDDC Housing- no comments received

- 5.3 DCC Highways (added verbatim):

"I have further consulted parking with our Traffic and Safety section, and it has been confirmed that there is no dedicated parking for any of the shop frontages, so the allocated parking reference on the most recent plan is not correct. The frontage parking is not associated with the site; it is parking for anyone and cannot be allocated to the proposal. There is a 24/7 40min limited waiting bay in operation, and this parking cannot be dedicated to this building or any other of the properties. However, the 40min limited parking can be used by visitors associated with the HMO proposal if they wish.

The above means that the proposal of HMO is for the 'No Car Parking' proposal. In terms of parking, as previously stated that whilst no parking standard currently exists for HMO, the parking assessment is usually carried out on merit. However, our draft Derbyshire Street Design Guidance has advised on the HMO parking standard, and a similar parking standard has been used for this proposal. The proposed site exists in a sustainable inner city type area; therefore, ideally, 3 car parking spaces could be provided for this 9bedroom HMO proposal.

The Highway Authority didn't accept the parking proposed at the rear of the property due to the substandard access width, limited emerging visibility due to the parked cars on the adjacent parking bays, and the non-existent pedestrian intervisibility splays as these issues on busy Sheffield Road, having bus routes and pavement with high footfall demand, could result in possible road safety matters.

The Highway Authority does not wish to object/refuse this proposal on the lack of parking as the proposal is for the change of use from a shop & house to 9 bedroom home of multiple occupations (HMO). The Highway Authority does not consider that generated traffic due to the change of use proposal would result in such demonstrable material harm relative to

existing conditions on the road network as such that refusal could be sustained. Furthermore, the site is within close walking distance to a bus stop with shelter, which is approximately 25m from the site, and there would appear to be nearby amenities and facilities within walking distance. Additionally, the site is within close proximity to sustainable transport infrastructures/links such as footways, PROW and Greenway routes and nearby crossings, and there are existing parking restrictions (in the form of double yellow lines) in place in the surrounding area.

The Highway Authority recommends that a planning condition be appended to this proposal to provide 9 safe and secured cycle parking spaces. Furthermore, the travel plan statement be conditioned, which should include measures to promote sustainable travel choices in the area and measures to make future occupants aware of the car parking situation, all as agreed with the LPA in consultation with the Highway Authority. Additional wording could be inserted as a standalone informative, which would encourage the developer to make occupants aware of this proposal being proposed as a 'No Car Parking', proposal either by information added in the Tenancy Agreement/Housing Contract document."

## **6.0 Representations**

6.1 Ward Member- see reasons for call in for comments

6.2 Parish Council- concerns about the reduction in availability of variety of shops, removal of main newsagent in busy shopping area, concerns about quantity and location of parking and cars turning over the pavement to get to the drive and any parking to the rear (*Officer comment- rear parking has now been removed from the scheme*). The area is not designated for this type of property.

## **7.0 Relevant Policy and Strategic Context**

**7.1 The Development Plan comprises the Local Plan. The most relevant applicable policies are:**

The North East Derbyshire District Local Plan (2014-2034)

SS1 Sustainable Development

SS2 Spatial Strategy and the Distribution of Development

SS7 Development on Unallocated Land within Settlements with defined Settlement Development Limits

LC5 Type and Mix of Housing

WC4 Retail Hierarchy and Town Centre Uses

SP4 Killamarsh

SDC11 Flood Risk and Drainage

SDC12 High Quality Design and Place Making  
ID5 Loss of Existing Social Infrastructure

7.2 National Planning Policy Framework

The overarching aims of the National Planning Policy Framework (NPPF) are also material in the assessment of this application and have been taken into account

**8.0 Planning Issues**

**8.1 Principal of Development**

8.1.1 The application site is located within the Settlement Development Limits (SDLs) for Killamarsh. It is an unallocated site.

8.1.2 Policy SS7 of the Local Plan (LP) permits development proposals on sites within an SDL that are not allocated in the LP or Neighbourhood Plan, provided that the development is appropriate in scale, design and location to the character and function of the settlement; does not result in the loss of a valued facility or service unless it can be demonstrated that it is no longer viable, or is not the subject of a Community Right to Bid; is compatible with, and does not prejudice any intended use of adjacent sites and land uses; and accords with other policies in the Plan. Policy SP4 of the LP seeks to maintain Killamarsh role as a service centre and a sustainable town with a healthy vibrant centre whilst policy WC4 looks to maintain the vibrancy and economic health of the District's centres retaining their vitality and viability.

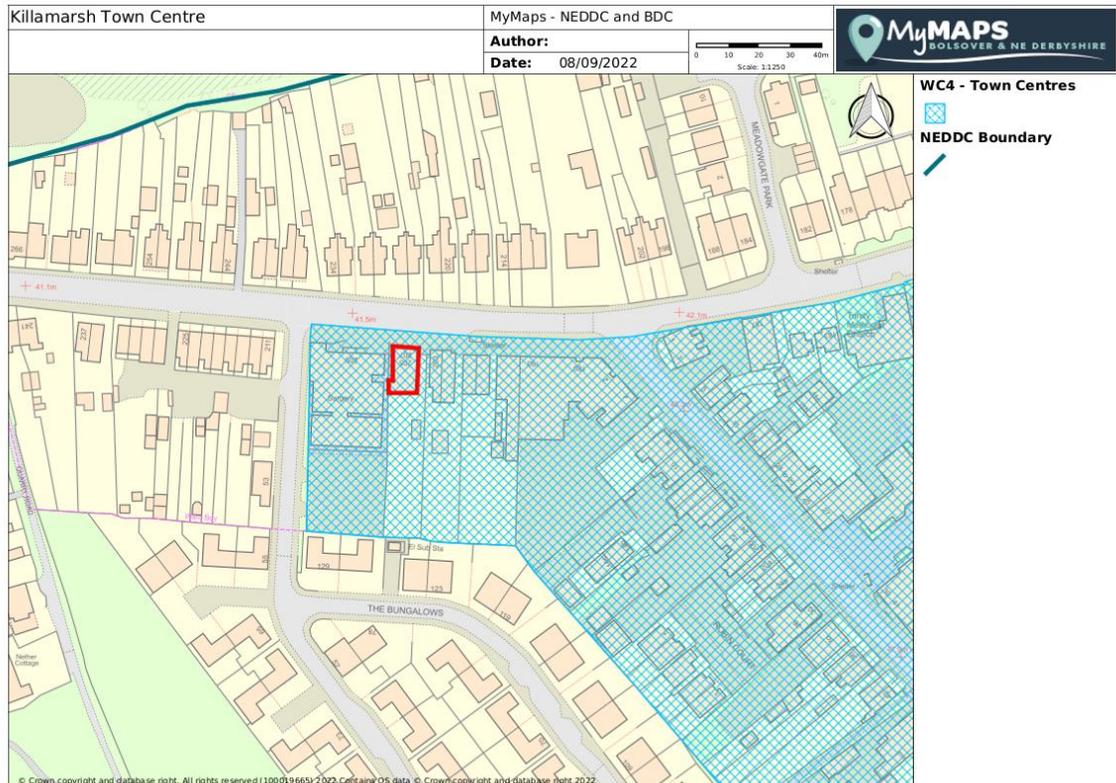


Figure 4 Plan to show application site in relation to Killamarsh Town Centre Boundary

8.1.3 In principle, it is considered that the proposal does not impact upon the character and function of the settlement of Killamarsh. The property itself is not proposed to be changed substantially and the new use would not change the overall function of the settlement of Killamarsh. Furthermore, the proposal is compatible with and unlikely to prejudice any neighbouring land uses which include an area of residential accommodation.

8.1.4 Although no parking spaces are specifically allocated to the development the Highway Authority has no objection to the proposal on highway and parking grounds as the site is fundamentally located in a sustainable position with close proximity to amenities and public transport opportunities. Officers concur with that assessment.

8.1.5 On road parking close to the site is restricted to 40 minutes waiting which would prevent future residents of the site (should they have a car) from parking for long periods of time immediately outside. This would help in protecting other existing businesses and the adjoining medical centre (which also has a car park to the rear) from any perceived loss of trade.

8.1.6 The application site is located within the Killamarsh Town Centre boundary. To ensure the vibrancy and economic health of Killamarsh

Town Centre, Policy WC4 permits development within the town centre boundaries where the development would contribute to the diversity of leisure and cultural attractions; help to create an active, well-used and safe evening environment; help to address vacant, under-used or derelict buildings; and contribute to an appropriate mix of licensed premises.

- 8.1.7 In particular policy WC4 requires that proposals for retail and other town centre uses in the District's Centres should contribute to their vitality and viability and be consistent in scale with the size and function of the centre; and safeguard the retail character and function of the centre.
- 8.1.8 The proposal does not seek to offer leisure, cultural, evening or other licensed activities, and the current building is not vacant, under-used or derelict. However, the proposal would, in the view of Officers, assist in creating an active environment at different times of the day, including the evening, which can provide further footfall and natural surveillance to the town centre. In this respect Officers are of the view the proposal would not have a negative impact on the centre whilst adding vitality to this area of the centre by introducing additional all day activity.
- 8.1.9 The Retail and Centres Study of 2018, which underpinned the town centre policies in the Local Plan, and assessed the vitality and viability of Killamarsh centre found that Killamarsh is anchored around the Aldi and Cooperative foodstores, though these are shown to serve primarily as top-up shopping destinations, used by a large proportion of residents to support their main food shopping from the nearby Morrisons foodstore at Halfway. Killamarsh did however demonstrate a higher than average proportion of retail services such as hairdressers and beauty salons. This concentration of services in Killamarsh, alongside the medical facilities (adjacent to the application site), library and leisure centre provide the centre's niche, complementing the more comprehensive convenience and comparison goods offer of the surrounding centres and out-of-centre facilities.
- 8.1.10 It is considered that the loss of an existing shop and its replacement by an HMO on the periphery of the centre will not undermine the vibrancy or compromise the retail and services function of Killamarsh town centre. Whilst it would interrupt the frontage, arguably isolating the adjacent medical centre and pharmacy, this is not considered detrimental bearing in mind the specialist nature of the pharmacy.

## **8.2 Loss of social infrastructure**

- 8.2.1 The proposal would result in the loss of a single convenience store on the periphery of the town centre. Policy SS7, as referred to above, would permit development proposals as long as these do not result in the loss of

a valued facility or service which is still viable. Furthermore, Policy ID5 will not permit development proposals which result in the loss of social infrastructure facilities such as local shops, unless it can be shown that the facility is no longer needed, or that the service could be adequately provided in an alternative way, or elsewhere in an alternative location that is equally accessible by public transport, walking or cycling; or it can be demonstrated through a viability assessment that the current use is not economically viable and all reasonable efforts have been made to let or sell the facility for the current use over a 12 month period.

8.2.2 The applicant has stated that the current business (news agent/off license) has seen a significant decline in sales and footfall over the past 18 months, he puts this down to the Covid19 pandemic and the opening of supermarkets close by. However, no other evidence in the form of accounts etc have been submitted and no evidence has been submitted to show that the site has been marketed for other retail uses.

8.2.3 However, the services provided by the shop including off license services and retail of newspapers are provided in other shops in the centre in particular at the local supermarkets which are easily accessible from the site by public transport and on foot. There are a number of other convenience stores in the wider Killamarsh area which also sell these products.

8.2.4 As such it is considered that the proposal accords with policy ID5 as a whole.

### **8.3 Impact on the uses of adjacent sites including highway safety and parking**

8.3.1 Although there is space to park up to 3 cars in the rear garden of the property, the access to it is tight and requires the crossing of the busy pavement with reduced visibility in either direction. As such it is considered that off road parking to the rear of the building is not an appropriate or acceptable solution in this case. As such, this element of the proposal has been removed from the scheme.

8.3.2 Neither the Highway Authority nor this Council has a parking standard for HMOs. Discussions with the Highways Officer has resulted in an agreement that space to house 9 bicycles is appropriate provision in this case and that no other specific vehicle parking is required given how close the site is to the town centre, the location of the bus stop outside the property (and the regular bus services to other nearby centres from Killamarsh as a whole) and the general sustainability of the site.

8.3.3 On road parking is restricted to 40 minutes waiting on the road to the front of the property and this would as necessary allow residents to park to drop off shopping etc. before parking elsewhere if required.

8.3.4 It is concluded therefore that the site's sustainable location does not necessitate on-site parking and in this respect there would be no adverse impact on highway safety.

#### **8.4 Room sizes/Amenity of Future Residents**

8.4.1 Licenses for houses in multiple occupation will not be issued to landlords unless the room sizes meet the following requirements:

- 6.51 square metres for a person aged 10 or over
- 10.22 square metres for 2 people aged 10 or over

8.4.2 Whilst the licensing of a property is not a planning consideration this does identify a standard that provides a benchmark as to what should, ordinarily be an acceptable size for this form of accommodation.

8.4.3 In this case there are 3 rooms proposed to be 1 person rooms and they are all at least 9.8m<sup>2</sup> in area whilst the 6no. 2 person rooms are at least 12m<sup>2</sup> in area.

8.4.4 There is also a shared bathroom on each floor and separate WCs on the ground and first floors, the kitchen and dining/lounge is located on the ground floor.

As such it is considered that the proposal provides an acceptable level of accommodation and the amenity of future occupants would be safeguarded.

#### **8.5 Other Considerations**

8.5.1 The proposal does not seek to alter the property and the site is currently used for both a retail and a residential function. The impact therefore on surrounding users and uses will not fundamentally alter and it is concluded any impact would be acceptable particularly bearing in mind the distance to the residential properties to the south.

#### **9.0 Summary and Conclusion**

9.1 Local and national planning policy aim to encourage development within sustainable settlements although they also aim to protect valued services, including shops, where appropriate from loss to other uses.

9.2 In this case, the services the current facility offers are delivered by other businesses close by and as such it is considered that the loss of the shop, on the periphery of the centre, would not adversely impact on the overall

viability or vitality of the town centre. Indeed, it would introduce all day activity that may prove beneficial.

- 9.3 The site otherwise occupies a sustainable location where on-site parking is not considered essential as future occupants would not be reliant on a motor vehicle and it is concluded, based on the advice of the statutory consultee, that there is no overriding and harmful impact on highway safety.
- 9.4 The proposal has been assessed against space standards for this form of accommodation and it has been demonstrated that there would be an acceptable level of amenity afforded future residents and there would be no adverse impact on adjoin uses or residents.
- 9.5 As such, the proposal is considered to be in accord with the policies of the Development Plan and there is not considered any other matters that outweigh the conclusion that the application is acceptable.
- 9.6 Therefore, accordingly, it is recommended for approval.

## **10.0 Recommendation**

- 10.1 GRANT permission subject to the following conditions, with the final wording of the conditions delegated to the Planning Manager (Development Management):

### **T1 (Full Condition)**

The development hereby permitted shall be started within three years from the date of this permission.

**Reason** - To comply with the provision of Section 91 (as amended) of the Town and Country Planning Act 1990.

### **T5 (Submitted Plans)**

The development hereby approved shall be carried out in accordance with the details shown on drawing number 103-50-02 REV H uploaded 26<sup>th</sup> August 2022; unless otherwise subsequently agreed through a formal submission under the Non Material Amendment procedures

**Reason-** For clarity and the avoidance of doubt.

Highways

Before development starts, details of the 9 cycle parking spaces as shown on drawing 103-50-02 REV H shall be submitted to and be approved in writing by the Local Planning Authority.

Before the first occupation of the HMO, hereby permitted, the approved cycle storage shall be implemented in full and shall be retained as such thereafter.

Reason: To ensure that residents are able to safely store a bicycle as a means of transport and in accordance with policy ID3 of the North East Derbyshire Local Plan

Before the first occupation of the HMO, hereby approved, a travel plan including measures to promote sustainable travel choices in the area and measures to make future occupants aware of the lack of on-site car parking should be submitted to and approved in writing by the Local Planning Authority. The contents of the agreed travel plan shall then be implemented and retained as such thereafter.

Reason: To promote sustainable travel options.