

Agenda Item 7c

Case Number	23/02359/FUL (Formerly PP-12330357)
Application Type	Full Planning Application
Proposal	Use of upper floors as 2 x 3 bed Houses in Multiple Occupation (HMO - Use Class C4) and associated alterations to building including rooflights to front and rear (Amended Description and plans)
Location	88 Middlewood Road Sheffield S6 4HA
Date Received	21/07/2023
Team	North
Applicant/Agent	Mr Jose Machado
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Site Location Plan + Site Plan - Project No: 145/25 Drawing No: A(10)001 published 21.07.2023

Proposed Floor Plans - Project No: 145/25 Drawing No: A(10)201 published 31.01.2024

Proposed Elevations - Project No: 145/25 Drawing No: A(10)103 published 30.01.2024

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

3. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupiers of the building.

4. Before the use of the development is commenced, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

a) Be carried out in accordance with an approved method statement.

b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users

of the site it is essential for these works to have been carried out before the use commences.

5. Prior to the occupation of the residential use hereby permitted, a site layout for the external yard area including any necessary site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The site layout for the external yard shall include bin storage and servicing arrangements for both apartments and the ground floor retail use.

Thereafter the residential use shall not be used unless the approved rear external layout and any approved site boundary treatment have been provided in accordance with the approved details and thereafter such means of site layout and boundary treatment shall be retained.

Bin storage in connection with both the retail use (Use Class E) and the residential flats above shall be located within the rear yard only and no bins or associated recycling bins shall be stored at the front of the premises apart from on collection days.

Reason: In the interests of the amenities of future occupiers of the site and occupiers of adjoining property and to ensure the retail use has adequate servicing arrangements.

Other Compliance Conditions

6. No customer shall be permitted to be on the premises of the retail/class E use on the ground floor outside the following times: 0800 to 1800 hours Monday to Sundays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

7. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays and between the hours of 0900 to 1900 on Sundays and Public Holidays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

8. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 1900 on Mondays to Saturdays and between the hours of 0900 to 1900 on Sundays and Public Holidays.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

9. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data,

have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is Drawn to the Following Directives:

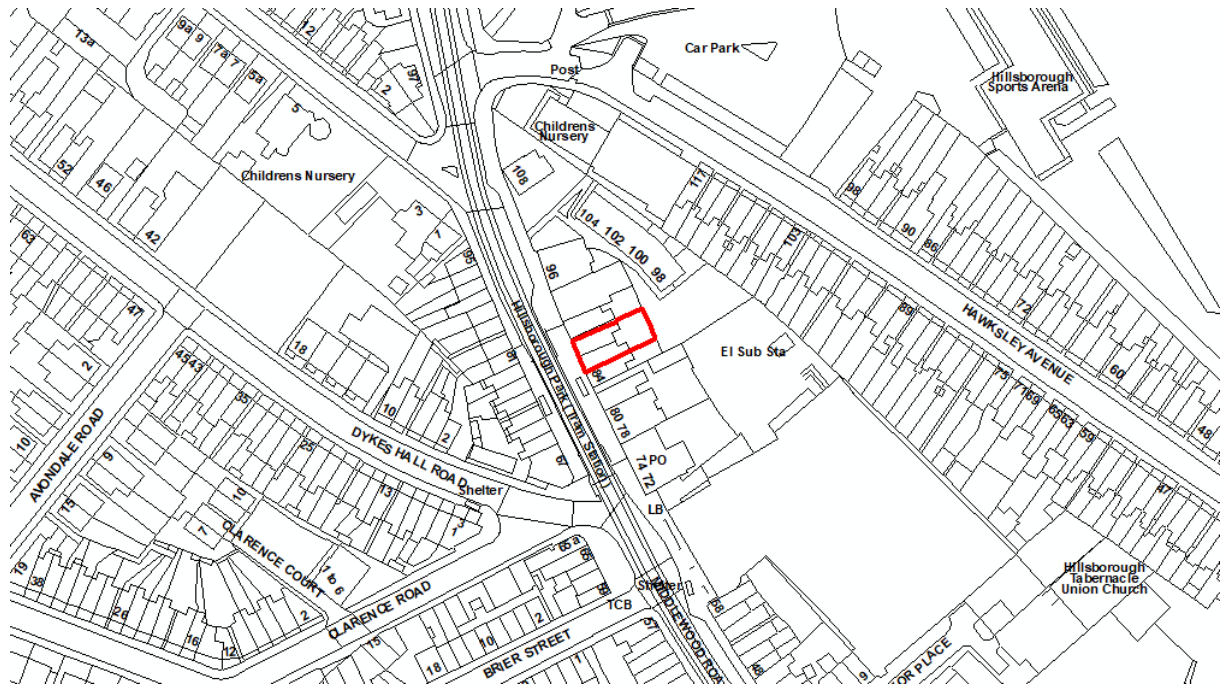
1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.
3. The applicant is advised that a HMO license may be required for the premises. Further information on how to apply can be found at the following link:

<https://www.sheffield.gov.uk/housing/licensing-houses-in-multiple-occupation>

Requirements for the license can be found at the following link:

<https://www.sheffield.gov.uk/sites/default/files/docs/housing/houses%20in%20multiple%20occupation/category-c-shared-house-non-cohesive-groups.pdf>

Site Location



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LOCATION AND PROPOSAL

The application site relates to a vacant retail unit at 88 Middlewood Road, which is located within the District Shopping Centre of Hillsborough. It is understood that the site was last in use as an optician's (Use Class E), and that there was previously residential accommodation above the premises.

Planning permission is sought to convert the upper floors of the building into 2 x 3 bedroom Houses in Multiple Occupation (HMO - Use Class C4) units and to carry out associated alterations to the building, including the insertion of rooflights to the front and rear.

The application submission originally proposed two houses of multiple occupation, each with 7 bedrooms. The original proposal intended to comprise the whole building, removing the retail use at ground floor level. However following negotiations, the retail at ground floor level has been retained and two three-bedroomed houses of multiple occupation units are now proposed within the first floor and second floor loft space of the building.

RELEVANT PLANNING HISTORY

No relevant history.

SUMMARY OF REPRESENTATIONS

Two rounds of consultation have been undertaken. A site notice was first displayed outside the premises on 16.08.2023 which gave an expiry date for comments of 10.09.2024. Following amendments to the proposals, a further site notice was posted on 31.01.2024, which gave an expiry date for comments of 25.02.2024.

The first round of consultation resulted in 119 representations being received, of which 117 were in objection, 1 in support and 1 received as a neutral comment. These are summarised below:

- Concerns with loss of a retail unit.
- There are currently no ground floor residences along that section of road and so the proposal would be odds.
- Time, effort and money has been put into developing this part of Hillsborough into a retail and hospitality hub – the loss of a retail unit is at odds with this and a backwards step.
- Increase in noise pollution.
- The size of dwellings is inadequate and the accommodation would be poor.
- The number of people is excessive for the accommodation.
- Impact upon adjacent businesses.
- There is other available land to develop for housing.
- Inadequate parking, fire safety or access to cram 14 people into a small space.
- There is demand for the retail unit.
- Loss of character through alterations to building.
- Parking and traffic congestion.

- Construction work would cause significant disruption.

Councillors Toby Mallinson, Christine Gilligan-Kubo and Henry Nottage submitted a joint objection as follows:

- As local councillors we wish to object to this development. Hillsborough is an established area popular with families and we would welcome any development that provides homes for people who wish to put down roots in the area and become part of the community. We would like to see housing for people who want to live here longer term to create a stronger community.
- Living in spaces that are too small has a negative impact on people's health and well-being.
- HMOs often only provide the minimum living space allowed under the law and consequently we do not think 2 x 7 person HMOs would be an inappropriate addition to the area.
- We are particularly concerned that they are in a prominent position on the main shopping street next to a tram stop which is out of character with adjacent buildings. This would set a precedent for converting more shops in the shopping centre into housing gradually undermining the economic viability and attraction of the shopping centre. A preferred option would be to maintain 2 shop fronts and develop the upper floors into self contained apartments.

The second round of consultation resulted in 2 representations, both of which were in objection. These objections referenced concerns with the inclusion of a HMO and stated that retail should be retained at ground floor.

Councillor Toby Mallinson submitted a further objection as follows:

- The new proposal, whilst retaining the shop front, does not address the issues with creating low quality, high density housing out of keeping with the area. High density housing does nothing to build the community. We need high quality affordable and social housing, not modern slums. A proposal to keep the ground floor as retail with one or two flats above would be in keeping and appropriate. The proposed shop does not have toilet facilities. It is unclear how the basement will be accessed and by whom in the revised plans.

PLANNING ASSESSMENT

Planning Policy Context Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF was first published in 2012 and has subsequently been revised in 2018, 2019, 2021 and 2023.

Paragraph 225 of the NPPF states that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is referred to as the “tilted balance” and this assessment will have due regard to this.

The site is identified on the Sheffield Unitary Development Plan (UDP) as being within a District Shopping Centre. UDP Policies S4, S7, and S10 are applicable.

Use

UDP Policy S7 lists shops (A1) as the preferred use in District Shopping Centres, however Housing (C3) is listed as an acceptable use. UDP Policy S10 states that change of use of buildings shall not prejudice the dominance of preferred uses in District Shopping Centres.

Although not specifically defined in the UDP, when considering dominance for the purposes of Policy S10 (a), at least 50% of all units in a local or district shopping centres should be in A1 use. However, under more recent changes Use Class A1 has been revoked and has been replaced with Use Class E (a). It should be noted that the change to the Use Classes Order and the introduction of Use Class E for Commercial, Business and Service uses (including shops, professional services, business uses such as offices and light industry, cafes/restaurants, clinics, nurseries, gyms) is not consistent with Policy S10(a), as existing shops can now change to the above mentioned uses without planning permission, and maintaining a dominance of shops in centres is no longer possible. Consequently, policy S10(a) is considered out of date, and less weight is attributed to this policy.

Notwithstanding the above, the amended scheme proposes that the retail/class E use at ground floor level is to be retained in its entirety. The principle of using the upper floors of this building for residential purposes would not prejudice the

dominance of shops, and it is acknowledged that dwellings (Use Class C3) are an acceptable use in District Shopping Centres, particularly in the upper floors of buildings.

The fact that the proposed residential use is houses in multiple occupation (HMO – Use Class C4) use rather than explicitly Use Class C3 dwellings would not make the proposal unacceptable in principle in planning policy terms. Ultimately that is a form of residential use also, and the proposal would create two new dwelling units, which would contribute towards the housing supply where the tilted balance would apply.

The relevant policies for considering housing type and mix are policies H5 of the UDP and CSP41 of the Core Strategy. Core Strategy policy CS41 encourages the development of a range of housing types that would be suitable to meet a variety of needs including a mix of prices, sizes, types and tenures. Within the supporting text for UDP policy H5 it states that shared houses are an important source of housing for low-income residents. It is therefore considered that the proposals would potentially contribute towards the broad range of accommodation types that is required for the City's population. Furthermore, the site is very well located for low income residents being in the Hillsborough District Centre with a wide variety of shops and services and the park in close proximity and with a tram stop positioned just outside.

Both of those policies allow for concentration and residential amenity issues to be taken into consideration when assessing such proposals. However, Hillsborough is not one of the areas of the City where the Article 4 Direction has been introduced in response to concerns about the numbers and concentrations of HMO's within a particular area and so the proposals are not deemed to be contrary to that one of the assessment criteria. The assessment of the proposal in relation to residential amenity criteria is set out in a forthcoming section of the report.

UDP Policy S7 states that residential use is acceptable in District Shopping Centres and therefore the principle of using the upper floors for residential accommodation is acceptable, whether it is Use Class C3 or C4.

The proposal is therefore considered acceptable under UDP Policy S7 and S10.

Housing Land Supply

Paragraph 11 of the NPPF requires the Council to demonstrate a 4-year supply of housing (previously required to demonstrate 5 years). Sheffield's annual local housing requirement is 3,038 homes, taking into account projected household growth, local affordability ratios and the 35% uplift for England's largest towns and cities. The total net four-year requirement is 12,154 homes. Sheffield is able to demonstrate a net deliverable supply of 9,165 homes, with the supply of deliverable housing sites currently equating to only 3.01 years.

Consequently, the most important development plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. In this instance, the so called 'tilted balance' is triggered, and planning permission should be granted unless the application of

policies in the NPPF that protect areas or assets of particular importance that include Conservation Areas, listed buildings and the green belt provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The application site is not within an area which is protected and is not an asset which is protected.

In addition to the above the NPPF (paragraph 60) still attaches significant weight to boosting the supply of new homes. Based upon those considerations it is accepted that the provision of two houses of multiple occupation dwelling units would make a very small but positive contribution to the City's supply of housing. This is attributed weight in the balance of this recommendation.

Design

UDP Policy S10 and BE5 is applicable in terms of design. The aims of these policies are consistent with the principles of Paragraph 127 and 128 of the NPPF.

The only alterations to the building are the inclusion of four rooflights, two to the front roof plane and two to the rear, as well as two new doors within the rear elevation to allow access to the upper floors. These doors would replace two ground floor windows. The inclusion of rooflights and two new doors at the rear would have a negligible impact upon the appearance of the building. Rooflights are commonplace across commercial and residential properties in the locality.

The proposed development would bring about improvements to the appearance of the building (through the vacant site being brought back into use) and the wider street scene. It is therefore considered the development would be compliant with policy CS74 of the Core Strategy, which sets out that development should help to transform the character of physical environments that have become run down and are lacking in distinctiveness.

The proposed alterations to the property to facilitate the change of use of the upper floors into residential and re-use of the retail use at ground floor is considered acceptable in terms of the character and appearance of both the property and locality. As such the proposal is considered to comply with the aims of UDP Policies S10 and BE5, Core Strategy Policy CS74 and the aims of the NPPF.

Residential Amenity

UDP Policy S10 and UDP Policy H14(c) states that in Housing Areas, development will be permitted provided that the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

The above policy closely aligns with the aims of Paragraph 135 (f) of the NPPF and therefore weight is given to the aims of UDP Policy S10 and H14 as well as the NPPF.

The use of the ground floor for retail/class E purposes is established.

The proposed residential use at the upper floor levels of the building is compatible with the area given that residential uses are accepted in District Shopping Centres. The use is therefore acceptable in principle, however assessment with respect to neighbouring living conditions has to be made.

It is considered that a residential use, comprising two three-bedroomed HMO units would not be significantly harmful to any nearby neighbouring living conditions in this instance. The impact of coming and goings would be negligible given the context of the site amongst an established District Shopping Centre, which attracts significant levels of pedestrian and vehicular activity, as well as the associated noise from deliveries, servicing and use of commercial premises in the local area.

The subdivision of the property would also not introduce any other harm to adjoining neighbours, especially when taking into account that the majority are commercial properties. Other than the insertion of rooflights, existing windows are to be used. The rooflights would overlook the street at the front and the rear yard. Therefore, the property would not appear noticeably different from the existing premises.

It is considered that the conversion of the property would not result in undue harm to neighbouring living conditions of neighbouring residents and thus would comply with the NPPF and UDP Policy.

Future Occupiers

The site is within an established District Shopping Centre which is characterised by shops, food and drink outlets and other commercial premises as well as living accommodation. The quality of the outlook from the building is limited with one side looking out over Middlewood Road, which carries significant traffic and the rear elevation facing over what would be partly a service yard and a residential amenity area with a communal garden area beyond which serves living accommodation at Nos. 98 to 104 Middlewood Road. There is limited if any scope to improve outlook, and it is acknowledged that many apartment schemes located in and around centres will likely have similar outlook and therefore this is accepted and not considered a constraint to the proposal.

Both HMO units are to be three-bedroomed and would comprise accommodation over two-storeys (first and second floor levels). The HMO's would comprise the following:-

- HMO 1 (three bedrooms + kitchen/lounge + single bathroom) – Gross internal area 80 square metres
- HMO 2 (three bedrooms+ kitchen/lounge + single bathroom) – 70 square metres.

Houses of Multiple Occupation are the subject of a separate Licencing Regime and so this is something that would need to be secured by the applicant if the HMO units end up being occupied by 5 people or more. However, it is apparent that the plans have been designed in order to meet the Council's HMO Licencing Standards with the internal floorspace sizes of the bedrooms and the shared kitchen/lounge all

adhering to, and in most cases surpassing the relevant standards.

In addition, the size of the rooms has been benchmarked against the minimum internal floor spaces set out in the National Space Standards. Whilst not technically being in force in the absence of those standards being adopted via a local policy and one determining that they would apply to HMO's those set out that a single bedroom should have a floor area of at least 7.5m² and be at least 2.15m wide. It also states that in order to provide two bedspaces, a double (or twin bedroom) should have a floor area of at least 11.5m².

Five out of the six bedrooms shown on the plans comply with those standards with only 1 of the bedrooms within 2 unit falling slightly short only in the scenario that it is used as a double bedroom rather than as a single. Furthermore, the overall size of the accommodation is not too far below the 84m² for three-bedroomed residential unit capable of housing 4 persons with accommodation over two-storeys. Noting this that this is a conversion of the upper floors above a class E shop unit and not new build dwelling units and the accommodation would have all the necessary accommodation for independent living the accommodation is considered acceptable in this instance.

The proposed HMO units would be located above retail premises and adjacent to other commercial premises. Consideration must therefore be given to the potential impact upon the living conditions of the accommodation from the retail use below and those commercial premises either side. The Council's Environmental Protection Services (EPS) have reviewed the application and advise that a condition is imposed to secure the submission of a noise survey, which can inform any necessary sound attenuation to ensure that noise is adequately mitigated ensuring a good standard of living accommodation is secured for future occupiers.

There is a yard area to the rear of the premises. There is limited scope to provide amenity space for future occupiers of the site and it is acknowledged that the yard has been and will still need to be used to serve the retail premises. Given the context of the site, it not considered imperative to include an amenity area for future occupiers of the accommodation as the site is close to Hillsborough Park and adjoins the Supertram stop which gives connectivity to the rest of the city. Given the introduction of residential alongside the retail use, it is considered necessary to impose a condition to secure details of bin storage and servicing arrangements for both the apartments and retail units to ensure there is no conflict between the uses.

Whilst the retail use is established, it is considered that the introduction of a residential use above intrinsically changes the overall use of the premises and therefore it is considered reasonable to consider imposing conditions on the retail unit to limit potential harm to future occupiers of the apartments. In this instance it is considered necessary to restrict the hours of use of the premises and the hours that waste and bins can be sorted externally to limit the potential for noise nuisance which may otherwise affect the living conditions of nearby residents.

Following discussions and negotiations the LPA is satisfied that the inclusion of residential accommodation above the retail premises is considered acceptable on balance, subject to several conditions being imposed and any recommendations

within a noise survey being carried out. The recommended conditions to be imposed are as follows:

- A scheme of sound attenuation works subject to the findings of a noise survey.
- Restriction to hours of use of the class E units located on the ground floor.
- Restriction of hours to sort, move and remove waste materials and recyclables.
- Restriction of hours for commercial deliveries to and from the building,
- External site layout for bin storage and servicing arrangements for both the retail use and apartments.

Subject to the imposition of these conditions, it is considered that the living conditions would be acceptable.

Highways

UDP Policies S10 and H14 seeks to ensure highway safety which is in line with paragraph 115 of the NPPF. Paragraph 116 of the NPPF further states that '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'.

The site does not have any dedicated parking provision and there is no available on-street parking in the immediate vicinity given the position of the site on Middlewood Road amongst the District Shopping Centre. The site is however considered to be sustainability located amongst shops and services, and being close to regular bus routes and immediately adjacent to the Hillsborough Park Supertram stop which fronts the site.

Consideration should also be given to the provision of new housing, especially in light of a lack of a 4-year housing land supply, and therefore this benefit is considered to outweigh any harm which may entail from the lack of dedicated parking provision.

The development is considered acceptable from a highway perspective and would comply with the UDP Policy H14 and the NPPF.

Ecology

Paragraph 186 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment through measures that include a) protecting and enhancing valued landscapes, sites of biodiversity, and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The site is considered to have minimal, if any, ecological value given the established commercial use, lack of landscaping and the position amongst a busy commercial area next to a busy road. There is considered to be limited opportunity to improve the ecological value of the site as part of its redevelopment given the context specified.

In terms of Biodiversity Net Gain (BNG), the scheme was submitted prior to February 2024 and therefore predates mandatory 10% net gain under the statutory regime. Nevertheless, it is clear that the development would fall below the threshold to require BNG, as it does not impact a priority habitat and impacts less than 25 sq. metres of on-site habitat. There is therefore no requirement to achieve a 10% uplift in biodiversity across the site and that the general Biodiversity Gain Condition (as set out in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) does not apply in this instance as the application meets one of the exemptions.

Contamination Risks

UDP Policy GE25 relates to contaminated land and states that where contamination is identified, development will not be permitted on, or next to, the affected land unless the contamination problems can be effectively treated so as to remove any threats to human health or the environment.

This policy aligns with paragraph 189 of the NPPF, which requires a site to be suitable for its intended use taking account of ground conditions, land instability, contamination, natural hazards and/or previous activities such as mining.

The proposals involve minimal construction and are not envisaged to require ground to be broken to any significant degree, and no soft landscaping is proposed. There should therefore be no reason for any significant excavation below existing ground level and such works are not referenced. In light of an approval, a directive is advised to be placed on the decision notice informing that if contamination is encountered during any works, that works should cease and the Council's Environmental Protection Services (EPS) should be informed.

Community Infrastructure Levy (CIL)

The site is within the Charging Zone 3 of the Community Infrastructure Levy and therefore the charge would equate to £30 per square metre. The applicant has completed the correct form.

TITLED BALANCE

As the Council is currently unable to demonstrate a four-year supply of deliverable housing sites, the relevant policies for determining applications that include housing should be considered as automatically out-of-date according to paragraph 11(d) of the Framework. The so called 'tilted balance' is therefore triggered, and planning permission for housing 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 taken as a whole.

The application includes no protected areas or assets of particular importance as described in footnote 7 of paragraph 11, (such as conservations areas, listed buildings or green belt) within the boundary of the application site.

In this instance the NPPF is clear in its position that unless there are adverse impacts of doing so, which would both significantly and demonstrably outweigh the benefits, planning permission should be approved.

The balancing exercise is set out below, weighted in favour of sustainable development, to reach an overall conclusion on the acceptability of the scheme. The application of the planning balance is a matter of judgement for the decision maker.

As part of the balancing exercise, officers have set out below the benefits and the dis-benefits associated with the proposals:-

Dis-benefits:

- Some noise disturbance to neighbouring living conditions through comings and goings (not currently happening, as well as some perceived overlooking through the introduction of new living accommodation on site.
- The accommodation being marginally under the dimensions of the National Space Standards.
- Lack of parking provision for future occupiers

Benefits:

- Provision of 2 new house of multiple occupation dwelling units. Significant weight should be given to this benefit in the context of the NPPF requirement to significantly boost the supply of new homes, particularly at a time when the Council is only able to demonstrate a 3.01-year supply of deliverable housing sites.
- Retention of the ground floor for class E purposes in the Hillsborough Local Shopping Centre, which would contribute towards maintaining and enhancing the vitality and viability of the Centre in line with local and national planning policies.
- Natural surveillance, especially at the rear, through creation of accommodation in an otherwise currently vacant site.
- The creation of employment opportunities through the construction works to refurbish the property, to which some weight should be given.
- The development would be likely to bring about improvements to the character and appearance of the area, through the use of the building, as opposed to it sitting vacant.
- Conditions to control the use of the class E premises located on the ground floor that would be beneficial to nearby residents.
- A form of sustainable development that would involve bringing back into use a vacant building (previously developed land), which is in a highly sustainable location.

Overall, it is considered that the balance weighs in favour of granting this application for planning permission. Whilst acknowledging the number of objections received against the application, it is considered that the amended scheme, has overcome many of the concerns raised through the significant reduction in accommodation (from 14 bedrooms to 6 in total) and the retention of the retail use at ground floor level. The identified harm resulting from the development is not considered to significantly or demonstrably outweigh the benefits of the development. The provision of up to two three-bedroomed HMO residential units will make a positive

contribution in meeting the current shortfall of housing in this sustainable location, to which significant weight should be given in line with paragraph 11 of the NPPF.

SUMMARY AND RECOMMENDATION

Planning permission is sought for the use of upper floors as 2 x 3 bed Houses in Multiple Occupation (HMO - Use Class C4), and associated alterations to building including rooflights to front and rear.

It is considered that the development would be beneficial to the vitality and viability of the shopping centre through maintaining the ground floor for retail/class E purposes and through utilising the upper floors for residential purposes as a form of sustainable development. The development would be likely to bring about improvements to the character and appearance of the area, through the re-use of the building, as opposed to it sitting vacant.

The site is also within a highly sustainable location and the proposal raises no highway safety concerns.

The proposed residential accommodation is considered to provide acceptable living conditions for future occupiers, subject to the imposition of several conditions including securing the implementation of the recommendations of the noise survey.

The proposal is considered to comply with UDP Policies S7, S10 and BE5 and the aims of the NPPF.

It is recommended that the application is granted conditionally.

RECOMMENDATION

Grant planning permission subject to conditions.