



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 17/09/2021

COMMITTEE DATE 15/12/2021 **WARD** Skegby

APP REF V/2021/0506

APPLICANT Mrs Bird

PROPOSAL Change of Use from Existing Dwellinghouse C3 Use Class to 7 Bedroom HMO Sui Generis Use Class.

LOCATION 248 Mansfield Road, Skegby, Sutton in Ashfield, NG17 3DW.

WEB-LINK <https://www.google.com/maps/@53.1416446,-1.2546976,131m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, C, D & E.

App Registered: 29/06/2021 Expiry Date: 23/08/2021

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by the following Councillors for the following reasons:

Cllr Smith - Impact upon residential amenity and over intensification of the site.

Cllr Darrington – Impact upon the character of the village - Too many HMOs on this stretch.

Cllr Bostock - Parking, infrastructure and residential amenity.

Background

This application was previously presented to the November Planning Committee, where members decided to defer a decision to allow the applicant to prepare a management plan and travel statement relating to the operation of the HMO because members were concerned about a) how the HMO would be managed, and how this may impact upon neighbouring/nearby residents, and b) in relation to the impact upon the highway network due to the absence of any off-street parking.

Management Plan

The applicant has advised that a management company, Purseglove Property Management, will be used to oversee the day-to-day management of the premises and they will liaise directly with the applicant where necessary.

Tenants will be made aware of how to report problems to the appointed management company. The local community can also report any maintenance issues directly to the management company. Any issues which are raised will be investigated and resolved as soon as possible.

The tenants should keep communal and private spaces clean and tidy, although a cleaning schedule for communal areas shall be prepared. Cleaning to be undertaken by appointed cleaning staff.

The management company reserves the right to undertake inspections of rooms.

Tenants will be reminded that they should not engage in activities which could cause nuisance or give rise to complaints. Should a tenant repeatedly cause nuisance and disturbance to other tenants and/or local residents, the management company will ensure that the necessary disciplinary action is taken.

All contracts will stipulate that if a tenant has demonstrated any kind of anti-social behaviour and/or has caused any disturbance to the other HMO tenants or neighbouring properties, then they will be evicted through the court's acceleration procedure, which can be granted within 14 days.

A purpose-built lockable cycle store is to be provided, and information will be given to tenants to make them aware of the sustainable transport options that are available within the locality.

Transport Statement

The property is on a bus route; the 141 Trent Barton bus operates from the bus stop opposite. This service encompasses Mansfield Road, Forest Road, Skegby Road and onwards towards Kings Mill Hospital. Information and timetables will be displayed in the HMO for tenants.

Tenants will be advised that there is limited parking at the property and encourage the use of other forms of transport. If tenants create a disturbance by parking dangerously on the road this will be investigated by the management company.

Tenants will be encouraged to car share, and a scheme could be set up to support this by the owner and management company.

Charge points are also to be provided in the cycle store to facilitate the charging of electric bikes.

Conclusion

The Management Plan and Transport Statement indicate the applicant takes responsibility to protect the neighbours and vicinity from inappropriate behaviour and

it is recommended that a condition be added to require that these plans are followed in perpetuity.

Recommendation: Grant planning permission, subject to the below conditions.

Conditions:

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Proposed Site Plan, Drawing No.4001 Rev.C, Proposed Floor Plans, Drawing No's.401102 Rev.C, 401103 Rev.C, 401104 Rev.C. Proposed Roof Plan, Drawing No.401105 Rev.C. Proposed Elevations, Drawing No's.401201 Rev.C, 401202 Rev.C, 401203 Rev.C, 401204 Rev.C. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The materials and finishes to be used for the external elevations and roof of the proposed outbuilding shall match those used in the construction of the existing property.
4. Prior to the occupation of the hereby approved development, the sound insulation shall be installed as detailed in Drawing No. 1055 Rev.A.
5. Prior to the occupation of the hereby approved development, secure cycle storage should be provided in accordance with the detail contained with the aforementioned approved elevations and floor plans.
6. The hereby approved development shall be undertake in accordance with the submitted Management Plan and Travel Plan, both received 01/12/2021 and the requirements of the plans shall be followed in perpetuity.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. To protect the amenity of existing and future occupiers.
5. To promote sustainable modes of travel and an alternative to car ownership.
6. To protect the amenity of existing and future occupiers.

Informative:

1. Prior to the hereby permitted change being brought into use, the applicant must apply for a House of Multiple Occupation (HMO) licence from the Council's Private Sector Enforcement Team, and liaise with this team to ensure there are sufficient amenities and room sizes for all the occupants.

COMMITTEE DATE 17/11/2021 **WARD** Skegby

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Cllr Bostock - Parking, infrastructure and residential amenity.

The Application:

This is an application for the creation of a 7 bedroom House of Multiple Occupation (HMO). The existing property is currently a 5 bedroom detached residential dwelling. The property is bound on all sides by existing residential dwellings. A short distance to the east is the Co-op retail store and a petrol station.

The application site is located within the main urban area of Skegby, where the principle of development is acceptable as defined by policy ST2 of the Ashfield Local Plan Review 2002 (ALPR).

Consultations:

A site notice has been posted together with individual notifications to surrounding residents.

The following responses have been received:

Resident comments:

39 objections have been received by 36 residents, making the following comments:

- Highway safety – it is a busy road and near busy road junctions.
- Only on-street parking is available. People will park dangerously – opportune parking. May affect emergency vehicles.
- Local school adds additional pressure to parking demand and highway safety concerns.
- Public transport infrastructure in the area is poor, with a limited bus service.
- Would experience the same issues as other HMO's – crime, drugs, antisocial behaviour. Skegby already has issues with this kind of housing.
- Occupiers may be more transient, with little regard for neighbours or the area. Doubtful it would be occupied by young professionals – worried about the type of people that would reside there.
- A HMO is out of character with the area – families and older people live locally.
- Not the area for it and it is not needed, family homes are. This is not a university town/city.
- Should be flats not a HMO.
- There are other reasonably priced properties for rent and purchase in the area.
- Loss of family home which is close to a school, local park and the Teversal trail.
- This would set a precedent for further HMO's.
- Noise disturbance and disruption from comings and goings.
- Loss of privacy and security/safety concerns.
- Devalue properties in area.
- Mess and refuse – lack of space for the bins needed to accommodate 7-13 people.

- The property/tenants would be a safeguarding risk to children.
- May impact footfall on local businesses if people cant park.
- A HMO could increase local COVID-19 infections.
- Lack of notification to property 5 doors down.
- Applicant has no interest in the area and just wants to make money. It could be poorly managed.
- The 'school run' photos provided are not a true reflection on the actual situation, are misleading.

Ashfield District Council Environmental Health (Residential):

No objections. The applicant must apply for a HMO licence from the Environmental Health Residential Team.

Nottinghamshire County Council Highways:

Original comments:

No parking provision is provided. Mansfield Road (B6014) is a bus route.

The proposal is likely to result in an increased demand for parking on Mansfield Road. Need to assess parking requirements and existing circumstances in the area, through for example, a parking survey.

Re-consultation comments:

A photographic parking survey has now been submitted. survey was carried out in term time and provides a snapshot of the situation.

Site is on a bus route, and secure cycle storage is to be provided.

Current property is 5 bedrooms which has the potential to accommodate a large family, all with cars.

Would not wish to raise an objection to the proposal.

Policy:

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF):

Part 2: Achieving Sustainable Development.

Part 5: Delivering a sufficient supply of homes.

Part 8: Promoting healthy and safe communities.

Part 9: Promoting sustainable transport.

Part 12: Achieving well-designed places.

Ashfield Local Plan Review (ALPR) (2002):

ST1: Development.

ST2: Main urban area.

HG8: Residential care facilities, houses in multiple occupation, bedsits, flats and hostels.

TR2: Cycling provision in new developments.

Teversal, Stanton Hill & Skegby (TSS) Neighbourhood Plan (2016-2031):

NP1: Sustainable development.

NP3: Housing type.

Relevant Planning History:

None for application site.

Comment:

Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. Therefore, the starting point for decision-making are the policies set out in the Ashfield Local Plan Review 2002 (saved policies).

The National Planning Policy Framework (NPPF) is a material consideration. The policies in the development plan have to be considered in relation to their degree of

consistency with the provisions of the NPPF (NPPF paragraph 219). This will depend on the specific terms of the policies and of the corresponding parts of the NPPF when both are read in their full context. An overall judgement must be formed as to whether or not development plan policies, taken as a whole, are to be regarded as out of date for the purpose of the decision.

The Council is presently unable to demonstrate a five year housing land supply, and therefore the presumption in favour of sustainable development applies, as outlined within Paragraph 11 of the NPPF. Paragraph 11 identifies that where the policies which are most important for determining the application are out of date, then permission should be granted unless:

1. The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
2. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The planning system should support a strong, vibrant and healthy community by ensuring that a sufficient number of range of homes can be provided to meet the needs and opportunities of each area.

The Council have over 85 licenced Houses in Multiple Occupation (HMO's) within its district as a whole, however there are no licenced HMO's (of 5 or more people) in the vicinity of the application site or within the Skegby area.

It is worth noting that a residential dwelling could be converted to a HMO, accommodating up to 6 people, without the need for planning permission.

Residential and Visual Amenity:

It is proposed to have 7 bedrooms at the property spread across 3 floors, each with their own en-suite. At ground floor level is an open plan kitchen/dining/living space.

To the rear of the property is a garden area consisting of a patio and an area of amenity planting. At the time of the Council's visits to the property, this planting area is overgrown. This is likely to be due to the property currently being unoccupied.

As part of the proposal a dormer window is proposed in the rear roof slope to facilitate the creation of the seventh bedroom in a portion of the roof space. Three roof lights are proposed on the principle roof slope. The dormer window will have two windows in its rear elevation, one serving the bedroom and the other serving the bathroom. The dormer window is considered to have a limited impact upon the character of the area and wider street scene.

It is considered that there would be no detrimental loss of privacy from these windows over and above any overlooking which may already occur from existing windows at the property.

A new outbuilding is also proposed in the rear garden which will be utilised for storage/cycle parking. This building will reach an eaves and ridge height of approximately 2.1m and 2.85m respectfully. A hipped roof is proposed to slope away from neighbouring boundaries. The outbuilding will not be visually prominent, and is considered not to be harmful to the visual amenity of the area.

A number of concerns have been raised by residents which relate to an increase in noise and disturbance, loss of privacy, safety/safeguarding concerns due to the tenants (for residents and children), and hazard concerns relating to waste/refuse.

The applicant has proposed to address concerns relating to noise via the installation of sound insulation on internal walls. This attempts to mitigate any possible noise reverberation which may be heard from the use of the internal spaces, and will be fitted across all three floors.

Beyond this, there is no evidence to suggest that future occupiers would emit a level of noise which would be over and above that which may be generated from an ordinary family occupying a C3 dwellinghouse.

The Council must consider the application before it based on its planning merits and assess the proposed use. The planning system does not assess/discriminate against specific social demographics. Should any specific issues arise as a result of the occupation of the property as a HMO (for example, noise complaints), this would need to be investigated/dealt with via the appropriate channels, and would follow the same process as if the property remained as a 5 bedroom C3 dwellinghouse.

A bin storage area has been indicated to the rear/side of the property. The total number of bins would need to be determined following discussions between the applicant and the Council's Environment/Refuse team. It would be unreasonable to assume any type/level of waste would constitute a hazard, and all such responsibilities for ensuring refuse is collected from site would fall to the tenants of such property.

Overall it is considered that the proposed development would not detrimentally harm the living conditions or amenities of residents living within the vicinity of the application site, nor would the alterations/additions be detrimental to the character of the area and wider street scene.

Previous Appeal Decisions:

Appeal decisions for other HMO applications (change of use from C3 dwellings) have recently been approved through the Planning Inspectorate following the Council's refusal of such applications. Two applications in particular are:

- V/2020/0213 (54 Titchfield Street, Hucknall) – Change of use from dwelling C3 to 6 bedroom (8 person) house of multiple occupation.
 - Council’s reasons for refusal summarised as follows:
 1. Intensification of use would result in the loss of a family home in a primary residential area. 3 floors results in overlooking, increase in noise and disturbance/comings and goings means significant impact on neighbours.
 2. Fails to provide adequate off-street parking provision where on street parking is significantly restricted for residents, visitors and deliveries. Unacceptable impact upon highway safety.

- V/2020/0671 (2 Russel Street, Sutton in Ashfield) – Conversion of dwelling (C3) to a house of multiple occupation (sui generis) and removal of one window).
 - Council’s reason for refusal summarised as follows:
 1. 8 person HMO considered to be an overdevelopment of the site, loss of a family home in a primarily residential area. Noise and disturbance from intensification and increase comings and goings significantly impacting neighbours.

These appeal decisions are a material consideration during the determination of this application, with both appeals being subject to a consistent assessment. Both appeals were determined by different Inspectors.

Firstly, both Inspectors recognised that both dwellings could be converted to a HMO (6-bedroom, 6 person) within the C4 use class without planning permission (under Permitted Development (PD)), which is a material consideration during the determination of this application.

Both applications were refused in part due to the loss of a family home. However the Inspectors identified that no specific development plan policies sought to protect family-sized dwellings over other forms of accommodation.

In the context of the Titchfield Street application, five other HMO’s were identified within the vicinity. However despite this the Inspector still concluded that this is a modest number set against the total stock of dwellings in these streets, and as such the proposal would not result in an over-concentration of HMOs in the locality. As such, due to the low proportion of HMO’s locally, they did not accept that the proposal for an additional HMO would result in any materially unacceptable alteration to the character of the area, and that no evidence had been provided to demonstrate that the change of use to a HMO would be significantly at odds with any established character, and it had not been demonstrated that there is a shortage of family-sized dwellings.

The Inspector reinforced that the loss of a family-sized dwelling could take place outside the consideration of a formal planning application for a HMO. It was therefore considered that the proposal would not further undermine the provision of family-sized accommodation, and would not have an adverse effect on the character of the area.

In both applications an acknowledgement of the areas character was identified, being either a) primarily residential, or b) a mix of residential and commercial uses. Where commercial uses were present within the vicinity, it was considered that an increased level of activity is to be expected compared to a wholly residential area.

The Inspectors also determined that, in the context of assessing overdevelopment/intensification and the subsequent impact upon the amenity of neighbours, that the necessary assessment had to be based on whether any increase in bedrooms/occupants over and above the 6 which could be created under PD would cause harm. They concluded that a greater number of occupants is not in itself evidence that a larger HMO would cause material harm to neighbouring occupants' living conditions or the character of the area, and that there was no evidence to suggest that an increase in comings and goings would be significant in number, would occur continuously, or at such volume that it would cause significant harm to the living conditions of neighbours.

As such, it was ultimately considered that any noise generated from a HMO would not necessarily be any greater than from a single large family or from occupiers of self-contained flats.

The Inspector considered that a HMO use would not exacerbate the potential for overlooking or necessarily contribute to loss of privacy. It was considered that these arguments were somewhat conjectural, and not supported by evidence.

Anti-social behaviour and a lack of upkeep of the property were also considered by an Inspector. Objections of this nature were considered to be anecdotal, and there was no evidence to suggest that such behaviour would occur at the site. Ultimately there was no firm basis to conclude that anti-social behaviour is a likely consequence of the proposed HMO use, and it was not demonstrated that antisocial behaviour is significantly more likely to occur through a HMO use as opposed to a family occupying the property as a single dwellinghouse.

The demand for on-street parking was considered during both appeals. The Inspector considered that it would be wrong to presume that additional persons above the 6-person PD threshold would automatically lead to a significantly higher demand for parking. Furthermore, it is a reasonable assumption that future residents could utilize opportunities to use public transport, or walk or cycle to local services and employment, and that there is no evidence to suggest that car owners would occupy the premises.

Nevertheless there was an acknowledgement that occupancy levels/demand for on-street parking would fluctuate, which was considered to be higher in the evenings when people were returning from work.

The precedent for further HMO developments within the area was also considered during the appeal, with the Inspector concluding that each application must be judged on its own merits, taking account of various factors which will differ in each case depending on a site's location and the nature of the proposal. Therefore it was considered that a decision to allow the appeal would not establish a precedent which would jeopardise the character of the area.

Highway Safety:

The current property has 5 bedrooms, with no existing off-street parking capacity.

Officers accept the view previously adopted by the aforementioned Inspectors, in that there is no evidence to suggest all occupants would be solely reliant on the use of a private vehicle. It is a reasonable assumption that other sustainable forms of travel could be utilised, and a new outbuilding is to be erected offering secure cycle storage.

It is acknowledged that there may be some degree of demand for on-street parking associated with the property, however there is nothing to indicate this would be over and above what may be reasonably required to accommodate a family. Furthermore this level of demand is likely to fluctuate, being higher in the evenings when people return from work (e.g. typically outside of the school run hours).

It is recognised that there will be an increased demand for parking within the area more generally during school times (e.g. the pick-up and drop-off of children), however this would only be for a short period of time each day, and in real terms it is considered to be unreasonable to assess likely demand for on-street parking in accordance with the higher level of demand which may be experienced during school runs.

The Highway Authority have provided comments on the application, who originally raised uncertainty with regards to the level of demand for on-street parking along Mansfield Road. Consequently a parking survey has been submitted in the form of a photographic compilation of images showing a snapshot of the parking situation within the vicinity of the site on various days and times during term time. Having reviewed this, the Highway Authority would not wish to raise an objection to the proposal on the grounds of intensification.

The Council's Residential Car Parking Standards Supplementary Planning Document (SPD) seeks to secure 3 off-street parking spaces for a 4+ bedroom residential dwelling, although it is recognised that there is no off-street parking provision at present, nor the opportunity to create any. The Highway Authority

consider that the addition of two further bedrooms at the property is an unlikely cause of concern from a highway safety perspective in relation to an intensification of use. Additionally the aforementioned standards from the SPD do not explicitly apply to HMO's.

Additionally the Highway Authority recognise that a family could utilise the property and potentially have a number of cars between them and still have no off-street parking provision. They also acknowledge the property is on a bus route, the presence of a bus stop opposite the site, and that secure cycle storage is to be provided.

Paragraph 111 of the NPPF highlights that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative effects on the road network would be severe. It is considered that the proposal would not significantly increase the demand for on-street parking over and above what may be reasonably required to accommodate the needs of an existing family home, and as such is unlikely to have a detrimental impact upon the capacity or safety of the highway network.

Conclusion:

The existing property is currently a 5 bedroom residential dwelling, with permission being sought to change it in to a 7 bedroom HMO.

The Council's Residential Environmental Health team have confirmed that there are no licensed HMO's (of 5 or more people) within the vicinity of the application site or within the Skegby area.

It is considered that the proposed development, consisting of a change of use and associated additions/alterations (dormer window, roof lights, cycle store etc), would not detrimentally harm the living conditions or amenities of residents living within the vicinity of the application site, nor would the alterations/additions be detrimental to the character and appearance of the area and wider street scene.

Although this application has to be considered on its own merits previous appeal decisions are a material consideration and should be attributed due weight accordingly during the determination of this application.

Based on current provision and capacity, it is considered that the proposal would not significantly increase the demand for on-street parking, nor would the proposal detrimentally affect the capacity or safety of the highway network.

Therefore within the planning balance, it is recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant planning permission.

Conditions:

1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the following plans: Proposed Site Plan, Drawing No.4001 Rev.C, Proposed Floor Plans, Drawing No's.401102 Rev.C, 401103 Rev.C, 401104 Rev.C. Proposed Roof Plan, Drawing No.401105 Rev.C. Proposed Elevations, Drawing No's.401201 Rev.C, 401202 Rev.C, 401203 Rev.C, 401204 Rev.C. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The materials and finishes to be used for the external elevations and roof of the proposed outbuilding shall match those used in the construction of the existing property.
4. Prior to the occupation of the hereby approved development, the sound insulation shall be installed as detailed in Drawing No. 1055 Rev.A.
5. Prior to the occupation of the hereby approved development, secure cycle storage should be provided in accordance with the detail contained with the aforementioned approved elevations and floor plans.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure the satisfactory appearance of the development.
4. To protect the amenity of existing and future occupiers.
5. To promote sustainable modes of travel and an alternative to car ownership.

Informative:

1. Prior to the hereby permitted change being brought into use, the applicant must apply for a House of Multiple Occupation (HMO) licence from the Council's Private Sector Enforcement Team, and liaise with this team to ensure there are sufficient amenities and room sizes for all the occupants.