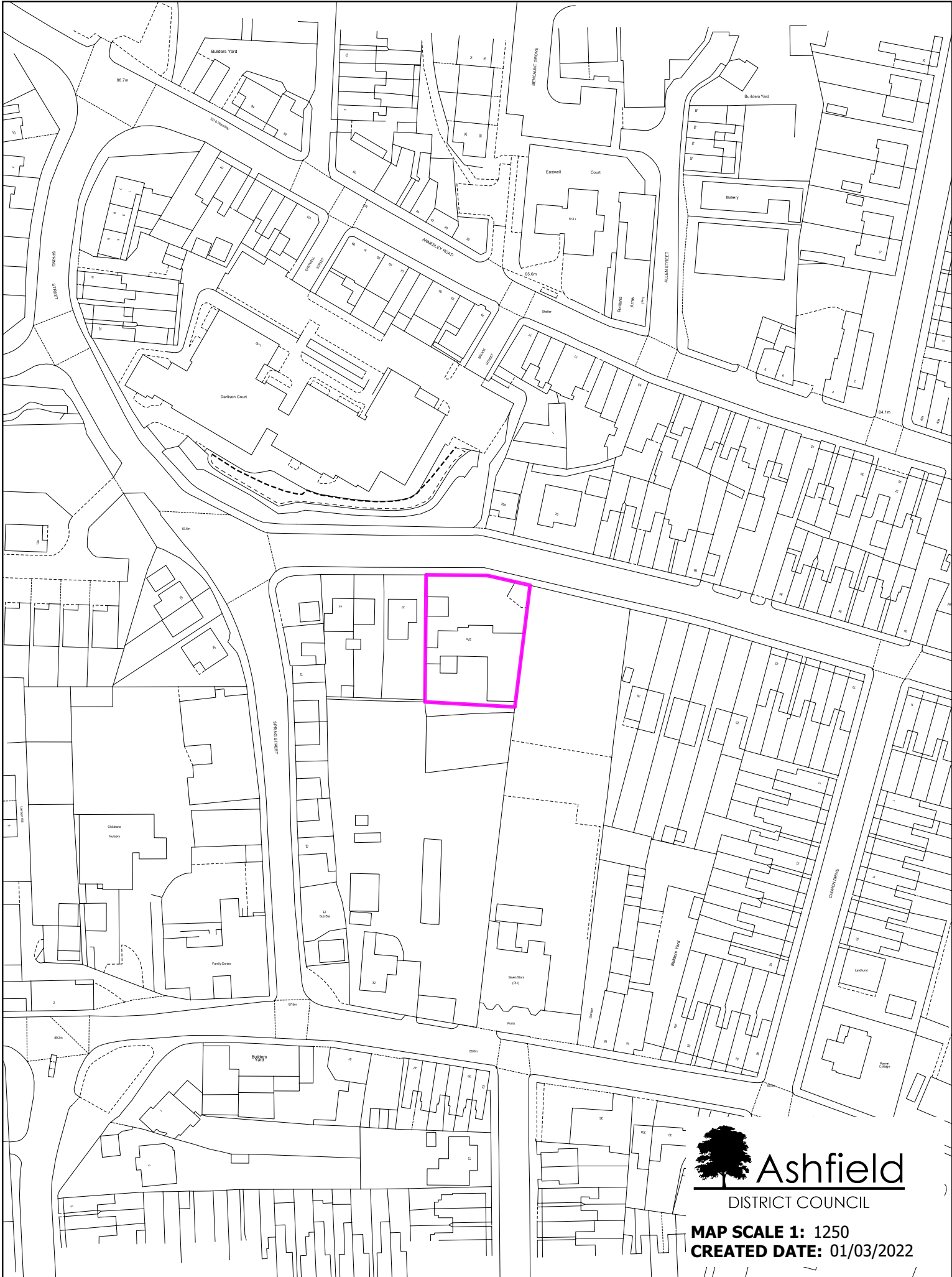


V/2021/0904 - 37a Ogle Street



 **Ashfield**
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 01/03/2022

<u>COMMITTEE DATE</u>	13/04/2022	<u>WARD</u>	Hucknall Central
<u>APP REF</u>	V/2021/0904		
<u>APPLICANT</u>	Crossover Consulting & PM Limited		
<u>PROPOSAL</u>	Change of Use from Residential Care Home to House in Multiple Occupation.		
<u>LOCATION</u>	37A Ogle Street, Hucknall, Nottingham, NG15 7FQ.		
<u>WEB-LINK</u>	https://www.google.com/maps/place/Elm+Tree+Rest+Home,+37A+Ogle+St,+Hucknall,+Nottingham+NG15+7FQ/@53.0396577,-1.2092474,135m/data=!3m1!1e3!4m5!3m4!1s0x48799554b2a7031b:0x8433ee2c45b5f8bb!8m2!3d53.0397828!4d-1.2092574		

BACKGROUND PAPERS A, B, C & D.

App Registered: 23/12/2021

Expiry Date: 16/02/2022

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

This application has been referred to Planning Committee by Cllr Baron to discuss the impact upon residential amenity and highway safety.

Background

This application was previously presented to planning committee in April 2022, where members raised concerns and requested that further details be submitted for consideration.

The concerns raised by members related to:

1. The lack of detail contained within the submitted management plan.
2. The standard of living which would be offered to future occupiers.
3. The future use of the premises by another operator.
4. Potential noise disturbance originating from the rear garden area.

Members suggested that the following measures could be implemented to try and overcome the above concerns:

1. Submission of a more comprehensive management plan which details exactly how the premises would be operated, which should include measures as to how the operator will; liaise and consult with residents regarding the operation of the premises (such as via a quarterly resident meetings), outline a complaints procedure for residents, and how the outdoor space on site will be managed.
2. A reduction in the number of bedrooms at the property and provision of a quiet room.
3. Demonstrate the proposed facilities are acceptable (e.g. cooking, washing, laundry, utility areas).

4. The future use of the premises could be managed via the use of 'personal' permission to the operator by means of a condition. If a change of operator was required in the future, a further application would be required to vary the condition.
5. Explore alterations to the sites boundary treatments to help reduce any possible noise nuisance which may originate from the use of the outdoor spaces.

Since the committee the agent has supplied a revised management plan and a covering letter, which in their opinion, addresses all the points raised by members at the aforementioned committee meeting.

Management Plan

The agent maintains their position that a formal management plan would be finalized by the site operator, which they consider can be secured via planning condition, and therefore the submitted revised draft management plan only includes measures which could be included. Some points from the submitted management plan are outlined below.

Tenancies would be subject to a vetting process to consider their suitability for the property, and those deemed unsuitable will be rejected.

On-site staff

Members of staff will be on-site each day and will be responsible for the organisation and coordination of:

- The day-to-day management of the premises.
- The internal and external maintenance of the property.
- Emergency cover/insurance for plumbing and drains, electrical and wiring, boiler breakdown and central heating repairs.
- Safety testing.
- Liaison with local residents and other organizations where necessary.

Staff will undertake regular inspections to ensure the property is in good order, reporting any damages.

CCTV will be installed across the whole site, which can be accessed 24/7 by staff.

Parking & Waste

It is not expected that residents of the property would have their own vehicles, and therefore it is only anticipated that the parking area would be used by staff, visitors and vehicles.

Bins will be stored in a designated area, and moved to the front of the property (and back again) on collection days by the site operator.

Noise & Boundaries

Proportionate improvements will be made to the acoustic insulation of the property, where considered necessary.

Existing boundary treatments (fencing and planting) will be maintained in good order. This will help to reduce the propensity for noise.

Appropriate and proportionate action would be taken against any tenant repeatedly causing disturbance, which could include eviction.

Resident Consultation/Liaison

Contact details for the site operator can be provided in a format to be agreed, so that local residents can contact a representative to raise enquiries, complaints or compliments.

Opportunity for local residents to meet regularly with the site operator. The frequency of such meetings would be no less than quarterly, unless another frequency is agreed. A record of the meetings and any agreed actions would be kept.

Covering Letter

The covering letter which has been submitted aims to provide some further reasoning as to the adopted approach to the development. Some points from the submitted management plan are outlined below.

Number of Bedrooms

The applicant considers that the proposal would be able to meet and exceed all relevant standards. This includes compliance with the nationally prescribed space standards and those placed upon the property under the Housing Act.

The number of bedrooms at the premises have been increased due to the opportunity to redesign the internal layout as part of the proposed refurbishment. It is suggested that these changes had not previously been possible whilst operating as a carehome, otherwise they would already have taken place.

Therefore the operator considers the number of bedrooms to be appropriate.

Facilities

Within the communal kitchen there will be 4 of each: sinks, hobs, ovens, microwaves and fridges (with freezer compartments). The amount of space for these communal facilities, including laundry facilities and storage space, will comply with the requirements for licensing under the Housing Act.

The communal dining room area will have seating for at least 8 seated diners. Not all residents would be expected to want to eat at the same time, and some may prefer to sit on the sofas whilst eating, hence this capacity would be more than adequate.

Personal Permission

The applicant is not the operator. Contract with the proposed operator cannot be exchanged until planning permission is granted for the change of use.

Consider that restricting the use of the premises to a specific operator via condition is not appropriate, but consider that conditioning the use of the premises to operate in accordance with the future management plan to be more appropriate.

Site Boundaries

There are substantial boundary treatments already in place. If members were not happy with the current boundary treatments a condition could be imposed requiring changes to be submitted for approval.

Material Considerations

The comments contained within the submitted covering letter attempt to justify the applicants approach to the development, with the revised draft management plan also providing some further information on what measures 'could' be implemented.

However based on the information which has been forthcoming, it is disappointing to see that the concerns of members have not been addressed to enhance the quality of life for future occupiers and nearby residents, despite an opportunity having been provided for concerns to be addressed prior to determination. The draft management plan also appears somewhat non-committal, and does little to allay the concerns of members, who considered that a full management plan would be required prior to determination so that the full scope of the proposal could be suitably considered.

Conclusion

A 20-bedroomed House in Multiple Occupation is still proposed, and there has been no reduction in the number of bedrooms. The explanation into the type and level of facilities to be provided for the proposed occupiers, such as cooking and laundry space etc, is considered to be limited.

A full management plan has not been submitted, and therefore it is considered that the information contained within the submitted draft plan lacks detail and commitment.

No changes have been proposed to the sites boundaries to attempt to allay member concerns about noise disturbance from the use of the outdoor garden area, and no details have been submitted about how the outdoor spaces at the site would be appropriately managed.

The use of a condition to restrict the use of the premises to be 'personal' to the operator has been dismissed, with the agent considering the use of the premise could be suitably controlled by a future management plan.

<u>COMMITTEE DATE</u>	16/03/2022	<u>WARD</u>	Hucknall Central
<u>APP REF</u>	V/2021/0904		
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BACKGROUND PAPERS A, B, C & D.

App Registered: 23/12/2021

Expiry Date: 16/02/2022

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

This application has been referred to Planning Committee by Cllr Baron to discuss the impact upon residential amenity and highway safety.

The Application:

This is an application for the creation of a 20-bedroom House of Multiple Occupation (HMO), providing a supportive living environment for tenants. The existing property was previously used as a 16-bedroom care home.

Whilst tenants will live independently, there will be staff on site in an office 7 days a week (9:00am to 5:00pm) to provide additional support should this be required by any tenant.

A limited number of alterations are proposed to the exterior of the property, namely:

- The removal of a door at ground floor on the rear elevation.
- The replacement of a door at first floor on the rear elevation with a window to match existing.

Some off-street parking is to be provided to the front of the property, a cycle store is also to be provided.

The surrounding area is residential in nature, with a mix of property types within the vicinity.

The site is located within the Hucknall Town Centre Conservation Area.

Consultations:

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

The following responses have been received:

Resident comments:

A petition has been submitted containing 143 signatures objecting to the proposal, in addition to 9 objections being received by 7 residents, making the following comments:

- Security and safety concerns.
- Will increase crime and anti-social behaviour.
- Will put vulnerable and elderly people at risk.
- Noise and disturbance.
- No longer a police station in Hucknall.
- Overlooking and loss of privacy.
- Negative impact on character of the area.
- Increase in litter.
- Will impact the close knit, family orientated area.
- There are schools/nursery's and public areas in close proximity.
- Not suitable for tenants with drug/alcohol problems.
- Already so many HMO's in Hucknall.
- Proposal is too large for the area to absorb.
- The accommodation is cramped, which may prove to be difficult for vulnerable women.
- No objection to the building being converted to apartments.
- Could be hostel accommodation.
- Application form makes incorrect reference to trees on site. A tree survey should be carried out.
- Increase in traffic generation.
- Area already suffers from parking problems.
- Inadequate information regarding staffing.

Nottinghamshire County Council Highways:

Part 4.1 of the Nottinghamshire Highway Design Guide indicates that Houses in Multiple Occupation should be providing 1 space per bedroom. This could be more if rooms are to be double occupancy.

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.

Part 16: Conserving and enhancing the historic environment.

Ashfield Local Plan Review (ALPR) (2002):

ST1: Development.

ST2: Main urban area.

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

Supplementary Planning Documents (2014):

Residential Design Guide.

Residential Car Parking Standards.

Relevant Planning History:

V/1975/0407 - Erection of house and double garage - Conditional consent.

V/1987/0071 - Extension over garage for snooker room with single storey link - Refused.

V/1990/0217 - Change of use to residential care home - Conditional consent.

V/1996/0112 - Extend Existing Residential Home from 17 to 28 Beds - FULCC.

V/1996/0721 - Boiler and sluice room and food store - FULCC.

V/2001/0488 - Certificate of lawfulness for use of premises for 17 residents - Refused.

V/2008/0482 - Extension to existing care home - FUL Refusal.

V/2009/0034 - Extension to existing care home - FULCC.

Material Considerations:

- Principle of Development.
- Visual Amenity.
- Historic Environment.
- Residential Amenity.
- Highway Safety & Transport.
- Other.
- Conclusions.

Principle of Development:

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 site is located within the main urban area, where the principle of development is acceptable.

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 NPPF sets out three overarching objectives to achieving sustainable development. These are economic, social and environmental objectives. The social objective, amongst other things, seeks to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.

This objective is reflected in Part 5 (delivering a sufficient supply of homes) of the NPPF 2021, which sets out the Government's aims to significantly boost the supply of homes. Within this context, paragraph 62 of the NPPF specifies that the size, type and tenure of housing needs for different groups within the community should be considered. This, amongst other things, includes rented properties such as HMO's.

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.

Visual Amenity and the Historic Environment:

There are limited external alterations proposed to the property itself, largely limited to the removal of a door at ground floor level on the rear elevation, and the replacement of a door at first floor on the rear elevation with a window to match the existing. Furthermore one of the existing external staircases is to be removed to coincide with the replacement door at first floor level.

The trees along the front of the property boundary are proposed to be retained, with a bin storage area to be created, utilising an existing screened area. As the site is within a designated Conservation Area, notification would need to be submitted to the Local Planning Authority in the event that any works were proposed to the trees.

The NPPF (2021) states, at paragraph 194, that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting”. Any harm or loss of significance to a designated heritage asset requires clear and convincing justification.

No standalone Heritage Statement has been submitted, and only a minor reference to the historic environment has been made within the submitted planning statement. However due to the limited extent of the proposed external alterations, it is considered that there will be no detrimental harm to the setting or significance of the any designated or non-designated heritage asset with the vicinity.

Additionally it is considered that the alterations as proposed would not cause any undue harm to the character of the area or wider street scene.

Residential Amenity:

At the present time the property currently has 6 bedrooms at ground floor level, and 10 bedrooms at first floor level. As a result of some internal reconfiguration it is proposed to increase this to 8 bedrooms at ground floor level, and 12 bedrooms at first floor level, all with en-suites. It is anticipated that all bedrooms would be single occupancy, with each bedroom meeting the Council’s adopted standards for internal floor space, as contained with the ‘Residential Design Guide’.

A communal kitchen-diner-living area is proposed at ground floor level, providing cooking and washing facilities.

To the rear of the property is a generous area of private outdoor amenity space, enclosed by a mixture of fencing and planting.

The site is also a short distance away from the identified Local Shopping Centre (Annesley Road, to the North) and the District Shopping Centre (Hucknall Town Centre, to the East), which provides ease of access to facilities and services.

A number of concerns have been raised through the consultation process which relate to overlooking/loss of privacy, an increase in noise and disturbance, increase in anti-social behaviour, safety/safeguarding concerns (for vulnerable and elderly people and due to the close proximity of the site to schools/nursery's), and an increase in litter.

It must be noted that no additional structural openings are to be created over what is already there on site, and existing windows are to be utilised. The replacement of a door to a window at first floor level as previously identified would serve an en-suite, so would likely be obscurely glazed in any event.

Additionally the removal of one of the staircases as previously identified further reduces the available opportunities for overlooking, arguably resulting in a net increase in privacy for nearby residents.

Furthermore at this time 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 the existing permitted use as a 16 bedrooled care facility, or from any nearby 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, anti-social behaviour etc), 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 16 bedroom care facility.

A bin storage area has been indicated to the front of the property within a designated enclosed area. The total number of bins would need to be determined following discussions with the applicant and the Council's Environment/Refuse team. All such responsibilities for ensuring refuse is collected from site would fall to the tenants of the 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, and would also provide an acceptable level of amenity for future occupiers.

Highway Safety:

The current care facility would have been subject to staff and visitor parking, with a parking area provided within the site boundary to the front of the building. The space available for off-street parking will remain unaffected by this proposal.

Although a plan has been submitted illustrating 7 off-street parking spaces, officers have reservations as to the functionality of this. For example should the most westerly space be occupied by a vehicle, it is unlikely access to the bin store could realistically be achieved. Similarly the space as indicated at the top of the entrance could potentially restrict manoeuvrability. Nevertheless this is to illustrate what capacity could potentially be achieved on site, and in any event a minimum of 5 vehicles could be accommodated.

There are delineated on-street parking bays available within the vicinity which are subject to a residents permit holder scheme. Concerns have been raised relating to an increase in traffic congestion in the area, and that parking is already a problem. However there is nothing to indicate that there would be a demand for on-street parking, or whether any demand would be over and above what may be reasonably required to accommodate the current permitted care facility.

Comments received from the Highway Authority suggest that 1 space should be provided per bedroom. Officers are of the opinion 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 an existing outbuilding to the rear of the site is to be converted to a secure cycle store for 20 bicycles.

Additionally the site is within close proximity to other means of sustainable transport, namely the bus terminus within the Town Centre, and the tram and train stations to the north east. The ease of access to these facilities is considered to encourage a modal shift away from the reliance on the private car to alternative forms of transport, supporting the aims of Part 9 (promoting sustainable transport) of the NPPF (2021).

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 the existing permitted care facility, and when considering other available sustainable transport alternative, the proposal is unlikely to have a detrimental impact upon the capacity or safety of the highway network.

Other:

It is understood that the operator of the premises is to provide a level of 'supported living' accommodation, by way of tenants living independently but with staff on hand to provide some support should this be required.

The staff office will be located in the outbuilding to the front of the property, which is understood to have been previously used for such purpose associated with the former care home (e.g. storage and ancillary office use). There is an extant kitchenette within this building.

Staff will be on site from 9:00am to 5:00pm, 7 days a week, but there may be an identified need for some attendance outside of these hours. Therefore on-site care will not be '24/7', but the residents will still benefit from a level of support.

It is anticipated the exact number of staff on site at any one time is likely to vary, according to service needs etc. Typical staff parking requirements are expected to be around three vehicles at any one time, so some parking spaces would most likely remain available for occupiers, visitors and deliveries etc.

Based on the nature of the proposal it is considered that a full site management plan should be submitted to and approved by the Local Planning Authority, to allow the Council to better

understand how the site intends to operate. This is proposed to be secured by way of a condition, and should be approved prior to the proposed use being brought into operation.

Conclusion:

The existing property is currently a 16- bedroom care facility, with permission being sought to change it in to a 20-bedroom HMO.

It is considered that the proposed development, consisting of a change of use and associated alterations (as identified above), would not detrimentally harm the living conditions or amenities of residents living within the vicinity of the application site, nor would the alterations be detrimental to the character and appearance of the area and wider street scene. Furthermore the limited external alterations are considered not to cause undue harm to the setting and significance of nearby designated and non-designated heritage assets.

The level of off-street parking to be provided is considered to be satisfactory given the provision and accessibility of alternative, more sustainable means of transport, and therefore there is unlikely to be any detrimental effect on highway safety.

The submission of a management plan for the site should be secured by way of a condition to allow details pertaining to the operation of the site to be submitted and approved, prior to the proposed use being brought into operation.

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

Recommendation: Grant planning permission, subject to 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: Site Location Plan, Drawing No.P/001, Received 22/12/2021. Proposed Site Plan, Drawing No.P/002 Rev.C, Received 01/03/2022. Proposed Elevations, Drawing No.P/008 Rev.B, Received 01/03/2022. Proposed Floor Plans, Drawing No's.P/006 Rev.A and P/007, Both Received 22/12/2021. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. The hereby permitted use shall not be occupied until a full site management plan has been submitted to and approved in writing by the Local Planning Authority.
4. 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 plans.

5. The staircase to the rear of the premises, as illustrated on the aforementioned approved plans, shall be removed from the site prior to the hereby permitted use from being occupied.

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 protect the amenity of the area.
4. To promote sustainable modes of travel and an alternative to car ownership.
5. To protect the amenity of the area.

Informatives:

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. 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.