



COMMITTEE DATE 22/07/2020 **WARD** Hucknall North

APP REF V/2020/0213

APPLICANT Crossman

PROPOSAL Change of Use from Dwelling C3 to 6 bedroom (8 person)
House of Multiple Occupation

LOCATION 54 Titchfield Street, Hucknall, Nottingham, NG15 7BH

WEB-LINK <https://www.google.co.uk/maps/@53.0391818,-1.202093,17z>

BACKGROUND PAPERS A, D, C, E & K

App Registered: 03/04/2020 Expiry Date: 28/05/2020

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

This application has been referred to Planning Committee by Councillor David Shaw on the grounds of visual amenity, residential amenity and highway safety.

The Application

This is an application that seeks consent for the change of use of an existing dwelling (C3) to a six bedroom, eight person House in Multiple Occupation (HMO) (Sui Generis), accommodated by way of four single bedrooms, and two double bedrooms. With the exception of replacement fenestration, there is to be no other external alterations to the property.

The application site comprises of a three-storey, mid-terraced property, located amongst existing residential development. The site is located approximately 75m to the north of Hucknall's designated town centre, and is also sited within 50m of the Grade II listed building known as the Masters Hosier's House, which is located to the north-east of the site on Albert Street.

Consultations

A press notice and a site notice have been posted together with individual notification to surrounding residents.

The following responses have been received:

Resident Comments:

12x Letters of concern/objection have been received from local residents raising the following:

- Increased on-street parking
- Increase in traffic
- Overbearing impact
- Overshadowing impact
- Overlooking impact
- Increased noise and disturbance
- Increased amounts of waste
- Increased cooking odour
- Increased flooding
- Unsuitable location – area is predominantly occupied by families
- Increased spread of viruses

Ashfield District Council Environmental Health:

No objections to the proposed development. Should any building works be undertaken, the contract should adhere to legislation regarding noise and dust.

Ashfield District Council Private Sector Enforcement (Housing):

No objections to the proposed development. If permission is granted, the applicant will be required to obtain a licence from the Private Sector Enforcement Team.

Nottinghamshire County Council Highways:

Parking on-street is controlled and is also resident permit parking Monday to Saturday between 8am to 6pm. Therefore parking will not be an issue in this location. It is unlikely that this proposal will result in an unacceptable risk to highway safety. The Highway Authority do not wish to raise objections 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) 2019

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
Residential Design Guide 2014
Residential Car Parking Standards 2014

Relevant Planning History:

None.

Comment:

The application site is located within the main urban area of Hucknall, and comprises of a mid-terraced, three-storey, five bedroom property which is presently utilised as a residential dwelling (C3 use class). The site is located on Titchfield Street which is accessed off Torkard Way and is located within close proximity to Hucknall town centre.

The property currently consists of a lounge, dining room and kitchen at ground floor, three bedrooms and a bathroom on the first floor, and two further bedrooms and two store rooms on the second floor. The property also benefits from a basement room, as well as a detached outbuilding to the rear of the property. There is no restriction on the size of family that could occupy the dwelling.

As part of the proposed change of use of use to a six bedroom, eight person HMO, internal alterations are proposed to create a combined kitchen/living/dining room, as well as a bedroom at ground floor level, three bedrooms at first floor level, and two bedrooms at second floor level. Each bedroom will benefit from its own bathroom space. The basement is proposed to be converted into a utility/store room, whilst the existing outbuilding will be retained and utilised for cycle storage.

The area immediately surrounding the application site is predominantly residential in character and appearance. Properties surrounding the site on Titchfield Street, The Connery and Albert Street, are generally two-storey, terraced properties constructed in the early to mid 1800's, including the Grade II listed building known as the Masters Hosier's House, which is sited 15m to the north-east of the property. The site is not located within the designated Conservation Area.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on visual and residential amenity, highway safety, as well as matters relating to the historic environment.

Principle of Development:

The proposal site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas.

The NPPF 2019 sets out three overarching objectives to achieving sustainable development. These are an economic objective, a social objective, and an environmental objective. The social objective, amongst other things, seeks to

support strong, vibrant and healthy communities, by ensuring that a sufficient number and ranges 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 2019, which sets out the Government’s aim to significantly boost the supply of homes. Within this context, paragraph 61 of the Framework specifies that the size, type and tenure of housing need for different groups within the community should be considered. This, amongst others, includes rented properties, such as HMO’s as proposed by this application.

The proposal would subsequently be compliant with both local and national planning policy, provided all other material planning considerations could be appropriately satisfied.

It is pertinent to note that the property at 54 Titchfield Street benefits from permitted development rights. Subsequently, the dwelling could be converted into a six bedroom, six person HMO with no need for an application for planning permission under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class L. This application however seeks consent for a HMO with two inhabitants above the permitted development level, and therefore requires planning permission.

Impact Upon the Character and Appearance of the Area & Heritage Assets:

Limited external alterations are proposed as part of the change of use scheme. Alterations will include the replacement of existing fenestration and general repairs and maintenance to the existing façade of the building. The existing outbuilding which is located to the rear of the property is also proposed to be retained and repaired as part of the proposed scheme. The minor external alterations proposed would be possible without requiring any form of planning permission.

Given that no significant alterations are proposed to the existing building, the property will retain its existing appearance, and will subsequently continue to assimilate into the surrounding residential area.

As previously mentioned, the application site is located approximately 15m from a Grade II listed building, which is sited on Albert Street. It is however considered that given that the appearance of the property will remain largely unaltered with the exception of new windows and doors, it is considered that the proposal would not give rise to any harmful impact to the nearby designated heritage asset.

Residential Amenity:

A number of objections have been received from local residents in regards to the potential massing, overshadowing and overlooking impact arising from the proposed development.

No new built development is proposed as part of the scheme. As such, the proposal would not give rise to any massing or overshadowing impact on neighbours. In regards to the perceived overlooking impact, the applicant has confirmed that no alterations to the property are proposed that would result in any change to the existing situation in respect of overlooking of neighbouring properties. Subsequently, any pre-existing overlooking from and towards the property will remain the same, and there will therefore be no change in the level of residential amenity currently afforded to residents of nearby properties.

Residents have also raised concerns regarding increased noise and disturbance arising from the proposed change of use.

As previously noted, the existing property already benefits from five bedrooms, and there is no restriction on the size of family which could presently occupy the property. Further, under Permitted Development Legislation, the dwelling could be converted into a six bedroom, six person HMO without requiring planning permission. Essentially, consideration is therefore given to whether two additional occupants (eight in total) would give rise to an unacceptable level of noise and disturbance to nearby residential occupiers.

No objections have been received from the Council's Environmental Health officers, nor have the Council's Private Sector Enforcement team raised any objections to the proposal.

The applicant has confirmed that renovations of the property as part of the works to prepare it for use as a HMO will include the installation of additional acoustic insulation, in accordance with requirements set out in the Building Regulations. This will reduce the propensity for noise to travel within and beyond the boundary of the property. Such works would be secured by way of planning condition as part of any approval.

The applicant has also provided details of their vetting process for prospective tenants. It is confirmed that applications for tenancies are subject to a comprehensive screening process, which includes the requirement to provide references, employment details and bank statements to establish character and financial suitability. Unsuitable applicants are rejected.

It is however in any case incorrect to assume that future residents of a HMO will be any more inclined to generate noise or disturbance than any other local household. Furthermore, noise levels in excess of what might ordinarily be considered acceptable are subject to control through Environmental Health legislation. Subsequently there is no basis to suggest that use of the property as a HMO for eight individuals would in any way be detrimental to the amenity enjoyed by existing local residents by reason of noise or other disturbances. The proposal is subsequently considered to accord with paragraph 127 of the NPPF 2019, which

seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Matters regarding increased amounts of waste have also been raised by local residents. Adequate space is available for waste storage, including separate bins for general waste and recycling. Bins will be stored within the rear garden area and placed to the front of the property only on bin collection days like any other residential property within the area.

Highway Safety:

Concerns have been raised by local residents regarding increased traffic and on-street parking as a result of the proposed development.

As can be observed on site, properties within the vicinity of the site are largely set on the back edge of the public highway, and as such, many do not benefit from off-street parking provision. The application site does however benefit from an existing dropped vehicular access and under croft parking for up to two vehicles. The width of the under croft parking would however fall marginally below the necessary width of 2.4m to be classed as a parking space, as stipulated within the Council's Residential Car Parking Standards SPD 2014.

On-street parking is nevertheless available on surrounding residential streets. Due to the proximity of the site to Hucknall town centre, day time parking in the vicinity of the property is controlled by way of a resident parking permit scheme. Should any future resident wish to park a vehicle on the street near to the property during the daytime, then they would first be required to obtain a permit by application to the County Council, for which an application fee is payable.

Areas outside of the designated on-street parking bays are controlled by parking regulations, such as double yellow lines. Subsequently, the Highways Authority have confirmed that the proposal would be unlikely to result in an unacceptable risk to highway safety in this area, and therefore do not raise any objections to the proposed scheme.

It is however considered that given the location of the site, which is within 75m of Hucknall town centre, any future occupiers of the property will have little use for a car. The premises is within easy walking distance of major transport nodes, such as the bus stops and tram/train station, as well as leisure and retail facilities.

Conclusion:

The NPPF 2019 sets out three overarching objectives to sustainable development – economic, social and environmental. These are considered in the context of the overall planning balance.

Limited external alterations are proposed as part of the change of use scheme and therefore the proposal will not give rise to an adverse impact on the character and

appearance of the street scene, nor will it give rise to a harmful impact on the setting of a Grade II listed building.

The social tenet of sustainable development seeks to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations, which amongst others, includes the provision of rented accommodation, like HMO's. The proposed development will help to meet that need, contributing to improved choice within a sustainable, main urban area location, which is within close proximity to retail and leisure provisions, and major public transport nodes.

The application site is considered to be of a sufficient size to accommodate the proposed use, whilst ensuring that the impact on existing neighbouring properties is limited.

On balance therefore, it is considered that the proposal constitutes an appropriate form of development, and it is subsequently recommended that this application is granted conditional consent.

Recommendation: Grant Conditional Consent

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 and details: Site Location Plan, Drawing No. P/001, Received 21/03/20; Proposed Floor Plans, Drawing No. P/004 Rev A, Received 31/03/20. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**
- 3. Prior to commencement of the hereby permitted use, a sound test and details of any necessary insulation against the transmission of noise associated with the hereby approved use to the neighbouring properties shall be submitted and approved in writing by the Local Planning Authority. This test shall be carried out in accordance with Part E of Building Regulations.**
- 4. The outbuilding to the rear of the site shall be used for no other purpose other than for the storage of residential paraphernalia.**
- 5. The hereby approved House in Multiple Occupation shall provide residential accommodation for a maximum of eight people.**

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. In the interests of residential amenity.**
- 4. In the interests of residential amenity.**
- 5. To define the terms of this permission and for the avoidance of doubt.**

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. The applicant/developer is strongly advised to contact the Council's Private Sector Enforcement to obtain the relevant license before the property is first occupied as a House in Multiple Occupation. The team can be contacted by email on privatesector@ashfield.gov.uk or by telephone on 01623 457345.**