

PARISH Shirebrook

APPLICATION Change of use from C4 to House in Multiple Occupation (9 residents) plus retrospective permission for a first floor window in each side elevation
LOCATION 83 Central Drive Shirebrook Mansfield NG20 8BE
APPLICANT Mr Nigel Barnes 35 Rectory Close Newbury Berkshire RG14 6DD United Kingdom
APPLICATION NO. 15/00474/FUL **FILE NO.** PP-03856298
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 18th September 2015

Delegated application referred to committee by: Cllr Anderson
Reason: Additional Parking Demands

SITE

Three storey semi-detached dwelling (second floor accommodation in the roof space.) The property is constructed in red brick with a rendered side elevation, tiled roof and upvc windows. The rear garden slopes down away from the property with a wall of approx. 2m in height along the rear boundary, with large outbuildings beyond. On the southern side boundary is a fence approx. 1.8m in height dropping down to approx. 1.5m in height which divides the site from the attached dwelling. On the northern side elevation is a brick wall approx. 1m in height with a police station and car park beyond.

PROPOSAL

The application is for the retention of the change of use of the property to a house in multiple occupation for 9 residents in four double rooms and one single room. The property was previously occupied as a house in multiple occupation for six residents in 5 bedrooms. The alterations required are internal with the exception of the installation of an escape window at first floor level in the northern side elevation and a bathroom window in the south facing side elevation.

AMENDMENTS

Revised plans submitted which show the bathroom window in the south facing side elevation which has previously been installed.

HISTORY (if relevant)

No relevant Planning history

CONSULTATIONS

Parish Council: Object to the proposal. The first floor window in the side elevation is obscure glazed but is often open and looks directly into the bedroom window of the attached dwelling. The property has been a HMO for some time without seeking registration and when registration is sought later fines are not imposed and this encourages developers to ignore the rules in place: 16/10/2015
DCC Highways: No objections: 8/10/2015

PUBLICITY

Site notice and neighbours notified. One letter received from Shirebrook Model Village Residents Association which raises the following objections:

1. The property is semi-detached and a young family lives in the attached property. The noise generated from residents of the HMO will be horrendous
2. There is no off street parking and on street parking is limited because the property is directly opposite the entrance to York Road which also has several unregistered HMO's on it.
3. Shirebrook and the Model Village area is being overrun by HMO's which are having a negative impact on the social fabric of the area.
4. Affordable family housing to buy or rent is being lost due to the growth of HMO's
5. The council should do more to regulate and control the spread of HMO's in Shirebrook to reduce the negative impact they have on the town and its residents
6. HMO regulation should be detailed in the new district plan.
7. Only detached properties should be granted planning permission and registration for HMO's. Semi-detached and terraced properties should only be granted if residents of the attached properties give their written consent to do so.
8. The council should apply for a town wide Article 4 Direction restricting changes of use from a house to a HMO. (see Nottingham City Council for an example)
9. The council should charge £900 fee for HMO license

POLICY

Bolsover District Local Plan (BDLP)

Policies GEN 1 (Minimum Requirements for Development)

GEN 2 (Impact of Development on the Environment) &

HOU 11 (Houses in Multiple Occupation and Hostels)

National Planning Policy Framework

Paragraph 13: The National Planning Policy Framework constitutes guidance⁸ for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 17: sets out 12 principles to be applied to planning including: high standard of design and amenity for existing and future occupants; take account of the different roles and character of areas; take account of and support local strategies to improve health, social and

cultural wellbeing for all.

ASSESSMENT

The site is within the settlement framework in a predominantly residential area close to Shirebrook town centre and bus stops giving access to larger towns. The location of the property is therefore considered to be a sustainable location suitable for the proposed use. The property has been used as a house in multiple occupation for 6 residents for approximately 18 months. This does not require planning permission as up to 6 residents with shared facilities does not require a change of use from a dwelling house. The increase in the number of residents from 6 residents to 9 residents means that planning permission is required for a change of use. The issue for consideration is therefore the impact of three additional residents occupying the property.

The property is large enough to accommodate 9 residents with large enough bedrooms, sufficient communal space, garden etc to meet the requirements of Environmental Health living standards. With the exception of a side window which looks onto the police station rather than other residential properties and a bathroom window (which whilst it is currently side hung the agent has agreed for it to be conditioned to be non-opening and obscure glazed), the property is unaltered externally. The proposal is therefore not considered to be harmful to the character of the area and subject to a condition about the bathroom window, is not considered to result in a loss of privacy to surrounding properties.

The property is a semi-detached property with a residential property attached. Three additional residents living at the property is not considered to result in additional noise or disturbance to residents of the attached dwelling over and above the existing situation. If noise does occur at an unacceptable level this would be covered by Environmental Health legislation. The proposal is therefore not considered to result in significant loss of amenity to residents of the attached dwelling and other dwellings are set well away from the site. The proposal is therefore considered to meet the requirements of Policies GEN 2 and HOU 11 of the Bolsover District Local Plan.

The property has no off street parking. The addition of three more residents living at the property is not considered to result in a significant increase in vehicular movements to and from the site. The location of the property, close to the town centre and bus stops means that residents of the property need not be reliant on the car as a means of transport. The lack of on-site parking is therefore not considered to be detrimental to highway safety and there are no objections to the proposal from the Highway Authority. On this basis the proposal is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

Some of the issues raised by the Parish Council and the Residents Association are covered in the above assessment. The issues of registration of HMO's, fines for unregistered HMO's and costs for registering HMO's has not been covered as these are not material planning considerations and are covered by Environmental Health legislation.

The issues of number of HMO's, Article 4 Directions and future policies being included in the local plan and policies to require neighbour agreement have not been considered as there are no current policies or directions which can be imposed or considered at this time and therefore cannot be applied to this application.

Other Matters

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No evidence supplied of any issues relating to this proposal.

Equalities: N/A

Access for Disabled: N/A

Trees (Preservation and Planting):N/A

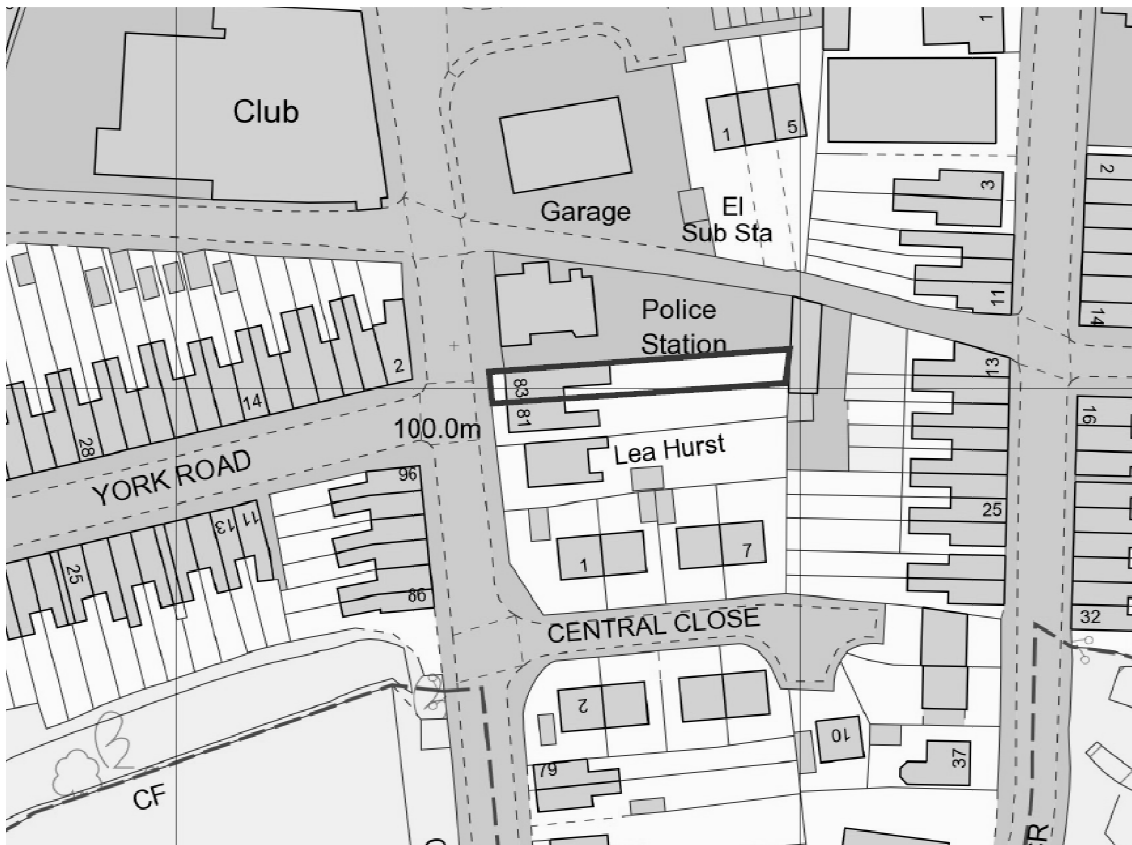
SSSI Impacts: N/A

Biodiversity: N/A

Human Rights: No issues relating to this proposal

RECOMMENDATION: Approve subject to the following conditions:

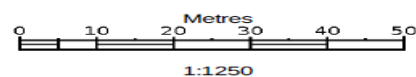
1. Within 3 months of the date of this permission the first floor window in the south facing side elevation shall be non-opening and obscure glazed and shall be maintained as such thereafter unless planning permission for an alternative has been granted.



Produced 02 Feb 2015 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown Copyright 2015.

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.



Supplied by: **Stanfords 02 Feb 2015**
Stanfords Ordnance Survey Partner
Licence: 100035409
Order Licence Reference: OI811451
Centre coordinates: 452358 367400