

PARISH Shirebrook

APPLICATION Extension at ground floor and change of use from an existing Public House at ground floor level and Hotel at first and second floor levels to 1x 3 bedroom flat, 2x 2 bedroom flats and 2 studio apartments at ground floor level and a 21 bedroom House of Multiple Occupancy at first and second floor levels.(Part retrospective application)

LOCATION Station Hotel Station Road Shirebrook Mansfield

APPLICANT Mr Taj Ubhi Archer House 14-22 Castle Gate Nottingham Nottinghamshire NG1 7AW

APPLICATION NO. 15/00599/FUL **FILE NO.** PP-04626146

CASE OFFICER Mr Jim Wilmot

DATE RECEIVED 12th November 2015

Delegated Application referred to Committee by: Cllr B Murray-Carr:
Reason: Impact on the locality

SITE

Three storey detached former hotel and pub occupying a prominent corner plot. The property is constructed in red brick with a tiled roof and a mixture of timber and upvc windows. Rear elevation is finished in render. Car parking area to the rear and side with access from Station Road. Front boundary to car park consists of concrete bollards and a short section of wall. Retaining brick wall of approximately 1.3metres in height when measured within the site. Residential properties to rear at a lower ground level. Brick wall to side and rear boundaries. The site slopes down to the south. Blank first floor elevation of 96 Portland Road faces site; the ground floor faces the brick retaining/boundary wall to the application site, which is about a full storey in height.

PROPOSAL

The application is for the retention of the change of use of the first and second floors of the property to a house in multiple occupation for 21 residents and a conversion and extension of the property to provide 1x 3 bedroom flat, 2x 2 bedroom flats and 2 studio apartments at ground floor level to the rear. The extension measures 7.05m x 4.3m added to the end of an existing storeroom which together will form the 2 studio apartments.

AMENDMENTS

Revised access plans submitted following questions from DCC Highways 11/01/2016

Revised design and access statement 17/02/2016

Revised drawings showing new ground floor layout and proposed fire escape shroud.
29/2/2016

Revised site layout and elevations and ground floor plans showing new parking layout fencing gates and outdoor amenity area. 14/3/2016

Confirmation that the fire escape door will be linked to an alarm system to deter casual use of the facility 15/3/16

HISTORY (if relevant)

14/00266/FUL Change of use of part of car park to hand car wash and office and store room and new bin store refused 19th December 2014.

CONSULTATIONS

Parish Council: Object to the proposal (*no reasons specified*). 23/12/2015

DCC Highways: No objection subject to conditions requiring implementation of proposed parking layout and no gates or barriers at the access. 28/01/2016

EHO Housing: No objection, request note re other regulations. 03/02/2016

Regeneration: no reply received

PUBLICITY

2 site notices and 42 neighbours notified.

10 responses received setting out the following issues:

Car park is untidy and waste is poorly managed with bins overflowing including food waste, sanitary waste with risk to children and attracts vermin.

Parking spaces proposed are tight and may cause injury.

Access to the site is opposite a bus stop and may therefore be impeded by buses and pedestrians.

Development will increase traffic near a busy junction

Loss of historic use of building as a public house and a historic asset.

Loss to the community of another public house.

The development is not supported by the community.

The fire escape is used as a balcony allowing views in to neighbouring properties

The HMO use creates noise late at night.

Late night drinking by residents causing disturbance.

Development will devalue other property.

There is existing anti social behaviour in the area

Loss of social venues in the area.

Too many HMOs in Shirebrook

Building is not maintained and this will exacerbate the problem.

1 petition received with 218 signatures stating:

"To save our local pub in Shirebrook the Station Hotel being turned in to multiple dwellings please sign to support our cause for concern thank you".

POLICY

Bolsover District Local Plan (BDLP)

GEN 1 (Minimum Requirements for Development)

GEN 2 (Impact of Development on the Environment) &

HOU 11 (Houses in Multiple Occupation and Hostels)

HOU 12 (Conversion of Buildings to Flats)

CLT1 (Protection of Existing Buildings which Serve the Community)

SAC 7 (Local Centres and Shopping Frontages)

National Planning Policy Framework

Paragraph 13: The National Planning Policy Framework constitutes guidance 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.

In addition the NPPF requires Councils to have a five year supply of deliverable housing; if it does not less weight can be given to the policies of the Development Plan which restrict housing supply and the policy of the NPPF to achieve such a supply must be given significant weight.

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 was formerly a hotel and pub and there is some history of residential accommodation on the upper floors. The 1st and 2nd floors have been in use as house in multiple occupation (HMO) for some time without planning permission. The application seeks to regularise this use as well as secure permission for the change of use and extension of the ground floor to flats and apartments.

In respect of Policy CLT1 (Protection of Existing Buildings Which Serve The Community) the applicant submits that that the public house is currently vacant and has been for some months now as it became economically unviable. This is due to the national economic downturn and indeed this is a trend in the immediate area. Whilst no additional information, such as financial accounts, have been submitted to support the viability statement, it is clear in this area generally that many public houses are indeed closing due to downturn in trade. Also of note is the proximity of this site to other public houses and other community facilities such as the leisure centre across the wider Shirebrook area, such that the loss of this particular public house is not considered to be harmful to the wider objective of maintaining buildings which serve the community. It should be noted that the policy does not protect the public house use itself (which is a commercial operation) but the potential such facilities offer as a community meeting place. In this case other meeting places exist in Shirebrook. On this

basis, it is considered that on the balance of probabilities, this public house is no longer viable, which satisfies the requirements of this policy. Left undeveloped, it is also considered that the site has the potential to deteriorate and adversely impact on the character and appearance of the area.

No objections have been received from Environmental Health Housing and it is understood that the property is large enough to accommodate the proposed number of residents and sufficient space exists for the proposed residents with large enough bedrooms, sufficient communal space, garden etc to meet the requirements of Environmental Health living standards. In any event other legislation exists to ensure that the accommodation is of suitable size etc and Environmental Health Housing have asked that notes be attached to any permission to bring the developers attention to the need to comply with Decent and Safe Homes standards and fire safety regulations in this regard. The amended scheme now makes provision for an outdoor amenity area which along with measures such as the alarm link should deter use of the fire escape as an amenity space.

The property is at higher level than neighbouring properties to the rear. These neighbouring properties are sideways on to the site and there will be no window to window sightlines from either the existing or the proposed single storey extension. The single storey extension along the boundary of Portland Road is an addition to two existing single storey extensions currently in use as a garage. The proposed extension is approximately 7 metres long and in the context of the wider development is small in both scale and impact. The extension meets the guidelines in terms of impacts on neighbours. The proposal is therefore not considered to be harmful to the character of the area and is not considered to result in a loss of privacy to surrounding properties.

The property is a detached building with its own grounds to provide parking and bin store, but as is common for town centre residential uses there is limited amenity space on site. This is acceptable having regard to the proximity of public recreation grounds. There is potential for noise to occur from the use but that has to be considered in the context of the noise potential from the lawful use of the site and in that regard it would be difficult to demonstrate any significant additional impact. Any noise at an unacceptable level should be covered by Environmental Health legislation. The proposal is therefore not considered to result in significant loss of amenity to residents of the adjacent dwelling and other dwellings are set well away from the site. The separation distance between the building and other dwellings exceeds the 21m guideline of the Successful Places SPD. Therefore whilst there may be the perception that there is overlooking the separation distances are adequate to protect amenity in relation to planning guidelines. 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 sufficient off street parking and DCC Highways has not raised any objection to the revised plans showing a proposed access and parking arrangements subject to conditions requiring the implementation of the proposed parking arrangements. 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. On this basis the proposal is considered to meet the requirements of Policy GEN 1 of the Bolsover District Local Plan.

The amended plans show a fenced and gated amenity area to the rear of the site and the

provision of bin storage within the site. It is proposed to condition the provision of the amenity space, landscaping and the provision of acceptable boundary treatments to provide some outdoor space for occupiers whilst seeking to mitigate any resulting noise. The provision of amenity space is intended to provide an alternative to using the fire escape for outside space. The developer has confirmed that the fire escape will be linked to the main fire alarm system and will sound when the door is used which should prevent its use as a secondary entrance or exit to the building.

The issues raised by the consultation responses are covered in the above assessment. A number of representations raise issues about who may occupy the premises. Planning regulations do not control who occupies a property. The consideration is whether the residential use of the type proposed is acceptable. In this case it is considered that the use meets the requirements of the policies of the development plan and adds to the supply of housing and the mix of house types in compliance with the NPPF.

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 have been raised relating to this proposal

RECOMMENDATION: Approve subject to the following conditions given in précis form to be formulated in full by the Assistant Director of Planning:

1. Within 3 months of the date of this planning permission the fire escape at first floor level on the western elevation shall be linked to the main fire alarm system so that the main evacuation alarm sounds when the fire exit is opened and shall be retained linked to that system whilst ever the premises are in use in multiple occupation.
2. Within 3 months of the date of this planning permission and notwithstanding the submitted layout plan a scheme for boundary treatment shall have been submitted to the Local Planning Authority for written approval. The approved scheme shall be implemented within 3months of the written approval and shall be maintained in place whilst the premises are in use as a HMO.
3. The off-street parking as indicated on drawing number A-013 Rev E shall be provided within 3 months of planning permission being granted, laid out, surfaced, marked out in a permanent manner and maintained for parking use whilst the premises are in use as a HMO.
4. There shall be no gates or other barriers on the highway access.

5. The extensions and alterations to the building shall be carried out in materials to match the existing building.

Note

1. The applicant should be aware that Footpath 46 on the Definitive Map for the area abuts the northern boundary of the site. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer
2. The development should be designed, constructed and maintained so as to be free of Category 1/2 hazards as detailed in The Housing Health and Safety Rating System as per The Housing Act 2004. The applicant should also ensure that the development complies with the Decent and Safe Homes (DASH), Housing Act 2004 Guidance: Amenities and Space in HMO's. Additionally the applicant should ensure compliance with the LAcors Housing – Fire Safety Guidance re Fire Safety provisions (Housing Act 2004 and The Regulatory Reform (Fire Safety) Order 2005: Chartered Institute of Environmental Health and The Chief Fire Officers Association.



Amended layout with larger amenity space:

