

**PARISH** Shirebrook

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**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

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**This item was deferred at the last Planning Committee meeting for additional information in relation to how the poor state of repair of the building and the untidy condition of the site can be addressed and managed in the future and information to demonstrate how the application complies to policy CLT1 of the Bolsover District Local Plan.**

**The applicant has responded which will be reported on an update for the Committee.**

#### **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 19<sup>th</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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.

#### **ADDITIONAL INFORMATION FROM AGENT IN RESPONSE TO THE PLANNING COMMITTEE RESOLUTION:**

##### **1. Policy CLT1:**

There are a number of existing facilities in Shirebrook which serve the community:

**Table 1: List of community facilities in Shirebrook**

Name	Type of Facility	Address
Shirebrook Ex-Servicemen's Club	Public House (A4)	Carter Lane
Carter Lane Community Education Centre	Community Use – Education (D1)	Carter Lane
Shirebrook Working Man's Club	Public House (A4)	Carter Lane
The Gate Inn	Public House (A4)	King Edward Street
Indigo Indian Restaurant	Café/Restaurant (A3)	Main Street
Shire's Health Centre	Health/Medical Care (D1)	Main Street
Fitness Heaven	Fitness Centre (D2)	King Edward Street
Tastebuds Café	Café/restaurant (A3)	Market Street
Surestart Centre	Community Use – Education (D1)	Park Road
Shirebrook Library & Information Centre	Library (D1)	Patchwork Row
Salvation Army	Assembly Hall (D1)	Patchwork Row
Shirebrook Miners Welfare	Public House (A4)	Central Drive
Victoria Inn	Public House (A4)	Central Drive
Shirebrook Methodist Church	Church (D1)	Church Drive
Holy Trinity Parish Church	Church (D1)	Church Drive
Holy Trinity Parish Church Hall	Place of Assembly (D1)	Church Drive
Shirebrook Dental Care	Dentist (D1)	Langwith Road
Langwith Junction Social Club	Social Club	Langwith Road
Shirebrook Leisure Centre	Leisure Centre (D2)	Park Road
Shirebrook Village Hall	Community Centre (D2)	Park Road
Community Education Centre	Community Use – Education (D1)	Langwith Road
Shirebrook Staff Social Club	Social Club	Langwith Road

The loss of the Station Hotel public house is therefore not deemed to be significantly detrimental to the community.

The public house was purchased by the Applicant approximately a year ago up to which point it had been tenanted. Although the Applicant does not have access to the previous accounts of the public house, it is understood that the existing tenant left the public house with an accumulated debt of over £13,000.00. Since the time of purchase, the public house and café have been advertised both locally and on Rightmove for a period of approximately six months (as detailed in the letter from Trent Living Ltd). The Applicant has received no enquiries or interest in the public house. The public house was in a state of disrepair when the Applicant purchased the property and it has been subject to a number break-ins and damage. The public house has remained vacant for over a year.

Having regard to the 'Campaign for Real Ale' (CAMRA) Viability Test, there are a number of reasons why the trade potential of the Station Hotel public house renders the business unviable, including:

- . The public house is not known to act as a focus for community activities e.g. sports teams, social groups, community meetings etc.
- . The public house is not located in a recognised tourist destination which is a well visited/popular location.
- . The public house is not on a canal/riverside, on a long distance footpath or cycle route where passing trade would be likely.
- . It is unlikely that the public house appeals to those who regularly drive out to pubs.

. As detailed above, there are a number of similar pubs/clubs for residents/visitors within walking distance of the public house.

. Likewise, there is a wide variety of community facilities in the local area.

It is noteworthy that a number of public houses in Shirebrook have already closed due to a downturn in trade. Furthermore this is reflective of the pub trade across the country.

Overall, it is therefore considered that the proposed development accords with the requirements of Policy CL T1. Not only has the public house been shown to be unviable as a business but in addition there is an extensive range of alternative and directly comparable existing facilities in Shirebrook. As such, the public house is not essentially required to meet the wider objective of maintaining buildings which serve the locality.

There are a number of additional benefits and material planning considerations:

- the site is within the settlement framework in a predominantly residential area. The site is close Shirebrook town centre and bus stops which will give occupiers access to larger towns through sustainable travel options. The site is therefore considered to be in a sustainable location and suitable for the proposed residential use.
- The development will secure a viable future use for the Station Hotel that will ensure the upkeep of the building which sits in a prominent position within the street scene. In this regard, the Station Hotel building sits at the junction of Station Road and Portland Road and is a 'landmark' building on the approach to Shirebrook from the east. As noted in the Case Officer's report, if the site were to be left undeveloped it has the potential to deteriorate and adversely impact on the character and appearance of the wider area.

In addition the development will contribute to the Council's housing land supply; where it doesn't have a 5 year supply to meet NPPF requirements. The NPPF requires Local Planning Authorities to plan for a mix of housing to meet the needs of different groups within the community. In this regard, the development will provide diversity and additional choice in the housing market whilst helping achieve a sustainable, inclusive local community with a mix of household types.

## 2. Visual appearance of the site and building

The email from the Environmental Health Officer at North East Derbyshire and Bolsover District Councils clearly demonstrates the willingness of the current owner to engage with the local authority to improve the cleanliness of the site and building through a long term programme of investment. The EHO accepts that fly tipping has occurred creating some of the amenity issues; CCTV monitoring will be introduced to control this and the recycling bank removed; bins to be in a locked bin store; tenants given instruction on correct disposal regime; weekly cleaning internally and externally; company rep to visit weekly.

During the internal refurbishment works a series of repairs and improvements are proposed to the existing building and surrounding site to include the following:

- Cleaning down of existing brickwork and re-pointing as necessary.
- Full replacement of existing windows with new double glazed, UPVC units.
- Replacement of existing wall mounted lighting to main elevation.
- New building mounted car park flood lighting.
- Redecoration of existing rainwater/ soil pipes.
- Repair and redecoration of existing external metal staircases.
- Repair of damaged render to rear of property.
- Removal of unsightly public house branding signage.
- Provision of new CCTV cameras to cover the car park and amenity space areas.

We would also confirm that the property will be actively managed by a company representative who will visit and report on a weekly basis. The property will also be cleaned internally and externally each week.

### 3. Alleged anti-social behaviour

Whilst it is accepted that a planning application should be considered on the proposed class use and not its end users, the comments raised at committee have been considered for incorporation by the current property owner. The height of the existing boundary wall will be increased to enclose the site and a dedicated secure bin storage area and cigarette receptacles are to be located within the enclosed amenity area to control the spread of litter (drawing A-013 attached). It should also be noted that previous cases of anti-social behaviour such as fighting and the playing of loud music at weekends can be associated with the previous Public House and recent break-ins and vandalism linked to the ground floor being unoccupied. Should planning approval be granted for the current residential proposal along with improved on-site management, it is believed that the previous examples of poor behaviour will be eliminated.

**Assessment:** the information is supportive of the original recommendation. It is suggested that condition 2 be amended to reflect the proposal to raise the boundary wall to further protect amenity, as set out below.

### **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 6 months of the date of this planning permission the existing boundary wall shall be raised to 1.8m high using bricks to match the existing wall and with the existing coping re-used as shown on plan reference 14-06 A-013 Rev F and details of the fencing proposed shall have been approved in writing by the Local Planning Authority and erected on the site unless an alternative timetable has been agreed in writing with the Local Planning Authority. The approved scheme 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 and raised boundary wall:

