

**PARISH** Shirebrook Parish

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**APPLICATION** Change of use of the first and second floors from ancillary accommodation (previously used in association with the existing ground-floor takeaway) to a 3-bedroom House in Multiple Occupation (Use Class C4).

**LOCATION** 8 Main Street Shirebrook Mansfield NG20 8AW

**APPLICANT** Mr Muhammad Qureshi 5 Harrison Road Mansfield Nottinghamshire NG18 5RG United Kingdom

**APPLICATION NO.** 25/00446/FUL **FILE NO.** PP-14435813

**CASE OFFICER** Mr Mitchel Smith

**DATE RECEIVED** 24th October 2025

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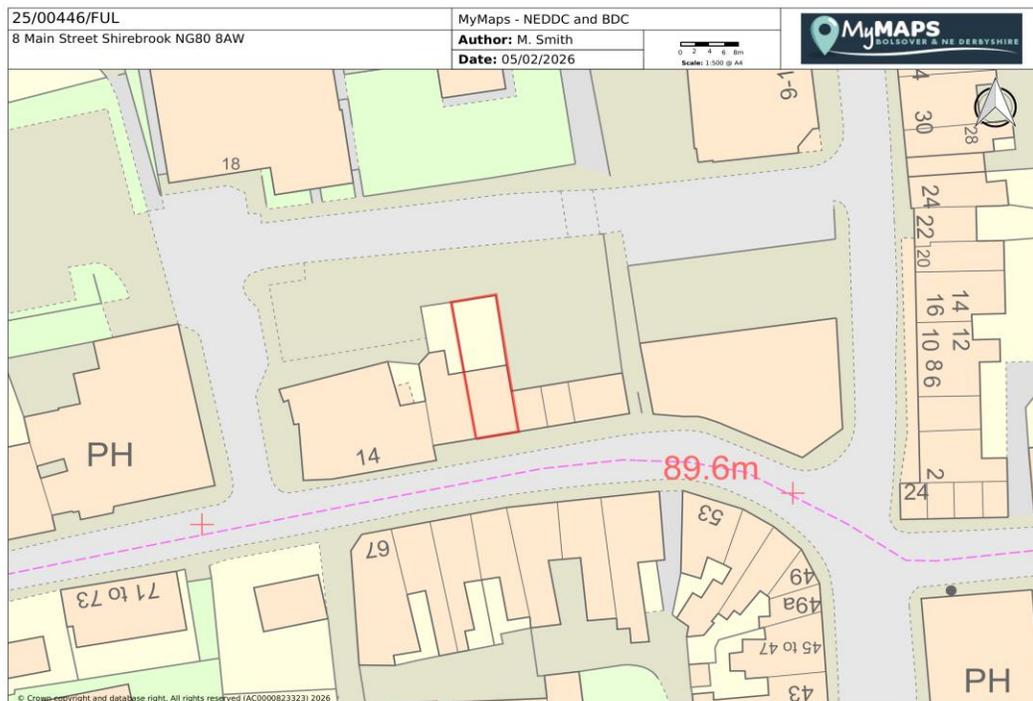
## SUMMARY

This is a full planning application for the change of use of the first and second floors from ancillary accommodation (previously used in association with the existing ground-floor takeaway) to a 3-bedroom house in multiple occupation (HMO) which falls within use class C4. The plans indicate that the HMO will provide three rooms with en-suites and a shared kitchen space.

Cllr Jane Yates has requested that the application be referred to Planning Committee given there as numerous other HMOs within the surrounding area.

The application is recommended for conditional approval.

## Site Location Plan



## OFFICER REPORT ON APPLICATION NO.25/00446/FUL

### SITE & SURROUNDINGS



The application site comprises a semi-detached building, which operates as a hot food takeaway. The principal elevation contains a red shop front advertising the takeaway named 'Flavings'. The first floor is finished in white tiles, and a tiled gable roof is present.

The rear of the building contains a UPVC door and three windows. To the rear of the site is a public car park.

Main Street is made up of various business and commercial properties including several hair salons / barbers, dental services, shops, public houses, estate agents and cafes. Numerous buildings within Main Street provide residential accommodation to the first-floors.

The site is situated within the development envelope of Shirebrook, and is also a designated town centre location.

### PROPOSAL

The application is seeking planning permission for the change of use of the first and second floors a three-bedroom house in multiple occupation (HMO) (use class C4). Three rooms are proposed, each with an en-suite; two rooms are proposed on the first-floor of the building along with a share kitchen. The third room will be situated on the second-floor. There are no physical alterations proposed to the application building.

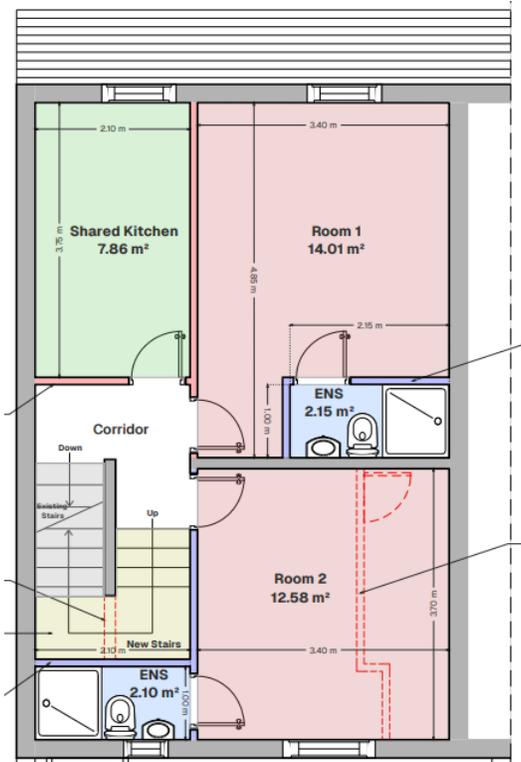


Figure 1 - First-floor layout plan

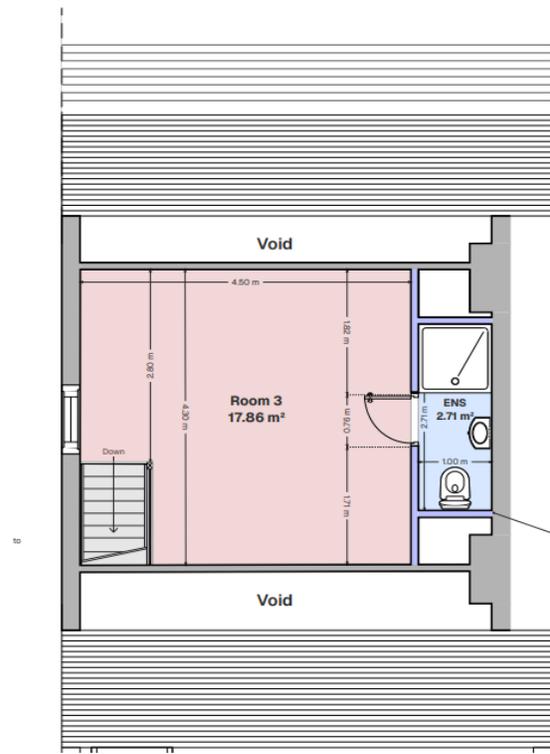


Figure 2 - Second-floor layout plan



Figure 1 - Front Elevation

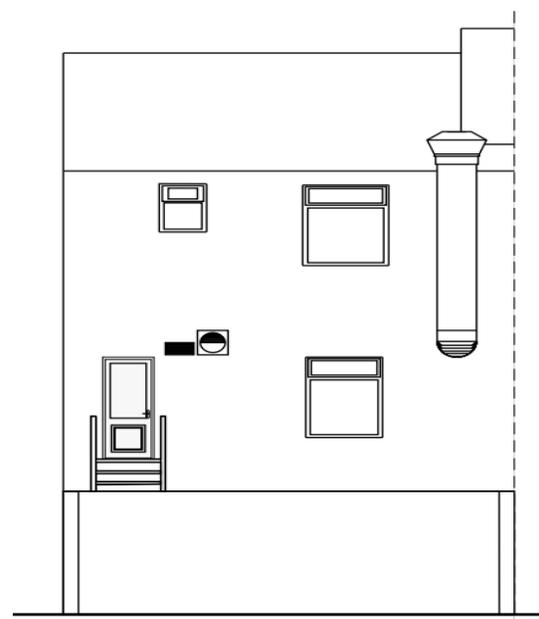


Figure 2 - Rear Elevation

### Supporting Documents / Summary of Submissions

- Existing and Proposed Site Plan – 24/10/2025
- Existing Front and Rear Elevations – 24/10/2025
- Proposed Floor Plans – 24/10/2025
- Noise Impact Assessment – 11/11/2025

- Odour Impact Assessment – 11/11/2025
- Supplementary Odour Impact Assessment – 28/01/2026

## AMENDMENTS

- 11/11/2025: Submission of Noise and Odour Impact Assessment as required by Environmental Health.
- 28/01/2026: Supplementary Odour Impact Assessment

## EIA SCREENING OPINION

The proposals that are subject to this application are not EIA development.

## HISTORY

BOL/1992/0271	Granted Conditionally	Erection of external staircase (BOL 692/271)
BOLADV/1991/019	Granted Conditionally	Static internally illuminated fascia sign and static internally illuminated projecting sign (BOL 1091/A19)
BOL/1989/0591	Granted Conditionally	Proposed change of use from showroom to hot food takeaway facility (BOL 1089/592)
20/00313/OTHER	Granted Conditionally	Extension to Local Development Order to support the Shop Front Repairs Grants Scheme
24/00326/LDOCC	Granted	Alterations to shop front to include raising front shop window, new doors and new shutter (20/00313/OTHER)

## CONSULTATIONS

Statutory consultees were invited to consider the application on 28/10/2025 and 12/11/2025 requiring comments to be provided by 18/11/2025 and 03/12/2025.

### Derbyshire County Council Highways

- 17/11/2025: No objections.

### Environmental Health

- 06/11/2025: Requires a noise and odour assessment to ensure suitable mitigation of amenity impacts can be provided.
- 11/11/2025: Noise detail acceptable. More details required with regard to odour.
- 02/02/2026: Approval of the additional submission and recommended conditions requiring a scheme for the extraction, dispersal and control of cooking odour, all

elements of inlet and extract systems and implementation of the mitigation measures recommended in the noise impact assessment.

Shirebrook Town Council

No comments received.

*All consultation responses are available to view in full on the Council's website.*

**PUBLICITY**

The application has been advertised by way of a site notice, and four surrounding buildings have been contacted. A total of 17 representations has been received from 16 individuals. One representation stated they felt HMOs can have a detrimental effect on neighbouring properties, however this HMO is much better than having one in a residential area given the surrounding facilities (parking and shops).

A summary of the representations received has been provided below:

Principle

- Oversaturation of HMOs within Shirebrook.
- Results in increased number of transient people and reduced availability of family housing.
- Additional strain on medical services and schools.
- Increase of anti-social behaviour and crime levels.
- Contrary to NPPF paras.62, 92, 111, 130(f), 185 and Local Plan policies: LC3, D1, ITCR4, and ITCR5, and Planning Practice Guidance (PPG).

Visual Impact

- HMOs result in visual implications to Shirebrook.

Residential Amenity

- Limited space to the rear.
- Noise disturbance – no mitigation (soundproofing).
- Flawed odour impact assessment.

Highways/Access

- Contributes further to issues with parking congestion.
- Silent on public transport and active travel.

Other Matters

- Concerns over the future residents of the HMO and whether appropriate checks have undertaken prior to their occupation.
- HMOs contributing to antisocial behaviour and fly tipping
- Assumptions of the age, gender, race and ethnicities of future residents.
- Fire safety.

## **POLICY**

### Local Plan for Bolsover District (“the adopted Local Plan”)

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 Sustainable Development
- SS3 Spatial Strategy and Distribution of Development
- LC3 Type and Mix of Housing
- WC5 Retail, Town Centre and Local Centre Development
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- ITCR10 Supporting Sustainable Transport Patterns
- ITCR11 Parking Provision

### National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 131 – 141: Achieving well-designed places.

### Supplementary Planning Documents

*Successful Healthy Places: A Guide to Sustainable and Healthy Housing Layout and Design:*  
To provide a guide to those promoting developments on how they can create sustainable places that deliver a good quality of life for the people that live there and preventing poor design that comes at a cost to the environment. This requires that our neighbourhoods are designed around the linked concepts of good place making and sustainability.

#### *Local Parking Standards:*

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking.

## ASSESSMENT

### **Key issues**

*It is considered that the key issues in the determination of this application are:*

- *local and national planning policy;*
- *the principle of the development;*
- *the landscape and visual impact of the proposed development;*
- *the impact on residential amenity;*
- *whether the development would be provided with a safe and suitable access and the impact on the local road network;*
- *biodiversity considerations;*
- *other matters;*

*These issues are addressed in turn in the following sections of this report*

#### Local and National Planning Policy

Several of the representations received stated that the proposed scheme was contrary to numerous local planning policies along with sections of the Framework, and Planning Practice Guidance (PPG). The following assessment will discuss the planning merits of the proposal and include consideration of the relevant local and national planning policy. Within the objections, there are several references to policy 'D1', however this is not a planning policy of the Local Plan for Bolsover District nor is it present with the NPPF or PPG. Given the context of the objection, it is perceived that this refers to policy SC3 – High Quality Development. References are also made to policies ITCR 4 and 5, however these are not relevant to this application and therefore have not been considered within the following assessment.

#### Principle

Objections to the proposal have been received which state that there is already an oversaturation of HMOs within Shirebrook, and that additional accommodations would result in strain on local medical and school services and increase anti-social behaviour (ASB).

The introduction of a residential unit in the form of a 3-bed HMO would not, it is considered, be so significant as to have a detrimental impact on local services such as GP and school services.

In order to achieve sustainable development policies SS1 and ITCR10 require development proposals to be within close proximity to trip generators such that the district's sustainable transport modes can be effectively utilised. The site is situated within a designated town centre location, which is well connected in terms of public transport facilities. The nearest public transport facilities to the application site are as follows;

- Bus stops:
  - 40m south-west
  - 115m west
  - 2x 178m south-west
  - 2x 170m north

- 170m north-east
- Several surrounding the Market Place ~300m north east
- Train station: ~820m to the east

The site is within walking distance to local shops facilities, and as set out above, transport facilities which provide access to larger towns and cities including Pinxton, Mansfield, Sheffield, Derby and Nottingham.

Policy SS3 further seeks to provide sustainable development by setting out the spatial strategy for the distribution of development, firstly, to the small towns of Bolsover and Shirebrook and emerging towns of South Normanton and Clowne and then to larger villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough. The application site is situated within the development envelope of Shirebrook and therefore is compliant with policies SS3, and SC1 subject to accordance with criteria (a) to (e).

Support will be given to development proposals, by policy SC1, provided the development is:

- A) Appropriate in scale, design and location to the character and function of the area;
- B) Does not result in the loss of a settlement's last remaining community building or facility of that type unless it can be demonstrated that it is no longer viable;
- C) Is compatible with, and does not prejudice any existing or intended use of adjacent sites;
- D) Accords with other policies of this Plan, or Neighbourhood Plan if applicable;
- E) Would not have an unacceptable environmental impact.

The proposal does not involve built development and there are a variety of other residential units within the immediate setting. This outlines an acceptance of residential accommodation within the location. The HMO does not result in a loss of a community building or service and there is no prejudice to adjacent sites. Accordance with planning policies will be discussed throughout the report; there is no Neighbourhood Plan for Shirebrook. The introduction of a HMO will not result in unacceptable environmental impacts. As such, the proposal is considered to comply with provisions A-E of policy SC1 of the Local Plan.

As per policy WC5, support will be given to proposals which maintain or enhance the vitality and viability of the town and local centres, providing they are of a suitable scale and nature to respect the character of the centre and assist in maintaining its retail and service function.

The current use of the building is a hot food takeaway, with the top two floors used as ancillary accommodation for the commercial use. The application form states that '*the upper floors have remained vacant and have never been occupied for residential purposes*'. Para.124 of Section 11 of the Framework sets out that '*decisions should promote an effective use of land in meeting the need for homes and other uses*'.

The surrounding mixed-use area is made up of several retail, commercial and residential uses. Providing accommodation through the grant of planning permission for the HMO would bring the upper floors of the takeaway into use, reducing the risk of the upper floors falling into a state of disrepair, while also providing additional accommodation. The use of a part vacant plot will contribute to the vitality and viability of the town centre location and is considered to be an effective use of land, in accordance with policy WC5 and section 11 of the NPPF.

Further objections state an oversaturation of HMOs and compliance with a 5-year housing land supply (5YHLS) means no further housing is required. While BDC are currently achieving a 5YHLS, it is noted that this is a minimum and is not a justified reason to refuse planning permission and there is an expectation that windfall housing development will come forward within the main settlements. The proposed HMO is consistent with a national drive for additional housing.

Policy SS1 states proposals should promote the social and economic wellbeing of Bolsover District's communities, contributing to reducing social advantages and inequalities as to create a positive image of the district. Policy LC3 requires proposals for new housing to seek an appropriate mix of types and sizes.

Accommodation on a smaller scale is to be expected within town centre, mixed-use locations. The proposal further contributes to Bolsover District's 5YHLS and is compliant with policy LC3 of the adopted Local Plan through providing a mix of housing type.

It is accepted that there are numerous other HMOs within the Shirebrook and the concerns and objections, including increased anti-social behaviour, raised by local residents are noted, however, there is no mechanism to prevent applications for such uses coming forward; likewise, there are no means to direct HMO uses to one specific location or to be distributed more widely across the district.

The planning system does not discriminate against the backgrounds and behaviour of future occupants; these are not material planning considerations. The assessment of the application is to determine the suitability of the application site to be used as a HMO. While the planning assessments cannot consider individual residents, the management of the HMO can be controlled. In order to control instances of antisocial behaviour a condition is proposed requiring a management plan to be submitted and approved by the LPA. The plan would deal with the vetting of occupants, day-to-day management and methods of dealing and reporting antisocial behaviour.

Overall, the principle of the development is acceptable, and the proposal is considered to comply with the provisions of policies SS1, SS3, LC3, WC5, SC1 and ITCR10 of the Local Plan for Bolsover District.

#### Visual impact of the proposed development

Objections consider that HMOs result in visual implications to Shirebrook; while these comments are noted, the proposed scheme is for the change of use of the site and does not include any exterior alterations to application building.

Policies SC2 and SC3 of the Local Plan require new development to make use of locally sourced materials, protect and enhance the distinctiveness of townscapes and achieve a high quality of design, according with an established character.

Section 12 (Achieving well-designed places) of the Framework, at para.139 states that *'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'*.

The relevant local and national policy has a particular focus on the introduction of development and how this should integrate with the surroundings and be of a high standard.

In this instance, there are no building alterations proposed; the application is seeking permission for the change of use of the existing first and second floor. On this basis, the proposed HMO does not introduce any visual amenity harm to the application building, streetscene or wider setting. Therefore, the proposal by way of not introducing harm, is compliant with policies SC2 and SC3 of the Local Plan for Bolsover District and the 'Achieving well-designed places' section of the Framework.

### Residential Amenity

In order to comply with policy SC11, development which is likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment, and if necessary appropriate mitigation must be put in place.

Given no built development is proposed, there will be no harmful overbearing or overshadowing impacts introduced as a result of the proposed HMO.

Impacts on the privacy provision will also be acceptable. The rear facing habitable room windows overlook a public car park and the nearest building after the car park is a pharmacy which is around 30m away; the nearest residential property to the rear is significantly in excess of the separation distances outlined in the Council's adopted Successful Healthy Places (SHP) design guidance.

The front facing windows measure ~12m from the adjacent first floor windows which appear to serve habitable rooms. While this distance falls short of that within the SHP guidance, it is noted that the windows serving the application site could still be utilised as habitable rooms given the current planning use is ancillary accommodation to the takeaway. A highway is also situated between the application site and adjacent properties such that some mitigation is present.

Objections in relation to soundproofing of the site have been received. Given the ground-floor use as a hot food takeaway, Environmental Health (EH) were consulted on the application. Their initial response requested that the application is supported with an assessment of odour and noise from the commercial kitchen, in order to determine whether suitable mitigation of amenity impacts can be provided for future residents.

On the 11<sup>th</sup> December 2025, the applicant provided such details. EH stated the noise details were acceptable, but the report did not fully address odour concerns; an objection was also received which raised concerns with the submitted odour impact assessment (OIA), stating there were several methodological errors and inconsistencies. A second OIA was provided on the 28<sup>th</sup> January 2026, to which EH confirmed this was now acceptable. Conditions relating to the extraction and implementation of the noise mitigation are recommended and will be imposed on any granted permission to ensure compliance with policy SC11.

Policy SC3(n) ensures that a good standard of amenity is maintained for both existing and future residents. Objections state there is insufficient space to the rear of the site to accommodate additional residents. Appropriate openings are present on the first floor serving

the 'shared kitchen', 'room 1' and 'room 2', which allow daylight into the habitable rooms but also provide an outlook from the application building. 'Room 3', on the second floor, is served by a smaller window compared to the other two bedrooms. While it would be preferred that this window is larger in order to increase outlook and daylight into the bedroom, it is not considered so harmful to justify a refusal of planning permission.

With regard to amenity spaces, the SHP design guidance acknowledges that deviations from the guidance can be considered acceptable on more constrained sites. While no private amenity space is provided for future residents, it is again noted that the current rooms could be utilised for residential accommodation and do not benefit from private amenity spaces. Green spaces within the immediate vicinity are relatively sparse, but the Shirebrook town centre is bound by large open green spaces, recreational parks and a leisure centre and are all accessible to future residents which somewhat offsets the lack of amenity space to the application site.

Overall, a harmful relationship, no worse than the existing, would be introduced between the proposed HMO and adjacent buildings with regard to potential overlooking, overshadowing and overbearing impacts. The proposal also includes an acceptable level of amenity for future residents. The proposal is therefore compliant with the provisions of policies SC3 and SC11 of the adopted Local Plan for Bolsover District.

#### Access / Highways and Parking Provision

Objections received point to issues with traffic and parking congestion and note there is no reference to active travel and public transport within the application.

Policy ITCR10 requires proposals which are likely to have significant amounts of movements to be supported by either a) A Transport Statement or Transport Assessment, or B) A Travel Plan.

Policy ITCR11 of the Local Plan states that planning permission will be granted where there is appropriate provision for vehicle and cycle parking as set out in the Parking Standards (Appendix 8.2). The Parking Standards acknowledge that there may be circumstances where a departure from the standards may be acceptable provided this can be justified and does not lead to negative impacts on health and safety and amenity.

Para.116 of the NPPF states that '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*'.

The Local Highway Authority (LHA) were consulted to determine whether the siting of the HMO would result in such harm. The response received raised no objections to the proposal stating that the scale of the premises, the proposed number of bedrooms and the locality of the site to the town centre, existing public transport facilities and access to the footway network results in no justified objection to the scheme; concluding that there would not be an unacceptable impact on Highway Safety or severe impact on congestion.

As discussed in the 'principle' section of this report, the site is located within the Shirebrook Town Centre, which is a sustainable location, and there is multiple public transport links

accessed via several bus stops and a train station, which are all within walking distance to the application site.

Given there has been no objection from the LHA, and the Parking Standards acknowledge a deviation from the guidance can be acceptable, it is considered that the proposal is acceptable with regard to the impact to the highway and parking provision.

### Ecology and Biodiversity Considerations

As of April 2024, development proposals unless in accordance with a statutory exemption are required to provide a 10% uplift in biodiversity. This application does not involve built development which would impact on more than 25m<sup>2</sup> of on-site habitat and therefore accords with the 'de-minimis' development exemption for mandatory biodiversity net gain.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	'De-minimis' development

Policy SC9 seeks to conserve or enhance biodiversity and geodiversity of the District where possible. Given the nature of the application site, there currently no biodiversity features present, the introduction of a HMO does not harm biodiversity and therefore is compliant with policy SC9.

### Other Matters

The above assessment is considered to address the planning matters of the proposed scheme and reflects on the objections / representations received throughout the consultation process. However, additional comments are made in respect of the following:

- No regard to fire safety / regulations.  
**Officer Comment:** Fire safety is not a material planning matter in this case having regard to the scale and nature of development proposed. This is a consideration under Building Regulations; while this does not form part of this assessment, an informative note will be appended to any approved planning permission reminding the applicant to ensure compliance with Building Regulations and Fire & Safety Regulations.

### Conclusion

The proposed development would introduce a unit of residential accommodation in the form of a small HMO in a sustainable location, making effective use of the upper floors of the application property. The development would be in full compliance with the relevant provisions of the development plan and national planning policies such that it is recommended that Members conditionally grant permission for the: *'Change of use of the first and second floors from ancillary accommodation (previously used in association with the existing ground-floor takeaway) to a 3-bed House in Multiple Occupation (Use Class C4)'*.

The granting of the C4 use limits the number of residents to a maximum of six; an advisory note reminding the applicant of this is recommended.

Planning conditions have been proposed which maintain appropriate amenity impacts for existing and future residents.

The number of objections from local residents is also noted. The concerns raised have been addressed in the officer assessment section of this report. While the planning system cannot consider the characteristics and behaviour of residents, it can ensure appropriate management practices are in place in order to limit the potential of ASB; this is reflected in condition 5, which requires the submission of a management plan.

## **RECOMMENDATION**

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the following plans and details submitted with the application:
  - Existing / Proposed Site Plan (KAP-SITE-001)
  - Existing Elevations (No External Changes) (KAP-EX-002)
  - Proposed Floor Plans (KAP-PRO-001)
  - Noise Impact Assessment
  - Odour Impact Assessment received on the 28<sup>th</sup> January 2026
3. Prior to the commencement of development, a scheme of extraction, dispersal and control of cooking odour, together with details of all elements of the inlet and extract systems must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented in full prior to the occupation of the development hereby approved and must be permanently retained as such thereafter.
4. Notwithstanding the existing noise mitigation measures, prior to the occupation of the development hereby permitted, the mitigation measures recommended in noise assessment project number NALPRO241125.01 must be implemented in full. The extraction unit must be maintained to ensure that at no time noise from the system exceeds the internal plant noise levels provided in table 4.
5. Prior to the first occupation of the HMO accommodation hereby approved, a management plan for the accommodation which must include the vetting of occupants, day-to-day management of the site and methods for dealing with and reporting of incidents of anti-social behaviour must be submitted to and approved in writing by the Local Planning Authority. The accommodation must thereafter be managed in accordance with the approved details in perpetuity.

## **Reasons for Conditions:**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning of the local area.
3. To ensure acceptable amenity impacts for existing and future residents and in compliance with policies SC3 and SC11 of the Local Plan for Bolsover District.

4. To ensure acceptable amenity impacts on existing and future residents and in compliance with policies SC3 and SC11 of the Local Plan for Bolsover District.
5. In order to reduce incidences of anti-social behaviour and to ensure appropriate management of the HMO.

### **Advisory Note:**

1. The applicant is reminded that the granting of planning permission for the house in multiple occupation (Use class C4) permits the use of the property by not more than six residents. Should the number of residents exceed six, this would constitute a breach in planning control.
2. It is advised that the applicants seek advice from other statutory bodies such as Building Control and Derbyshire Fire and Rescue Service, to determine whether other permissions or consents are required to operate the HMO.

### **Statement of Decision Process**

1. Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

### **Equalities Statement**

*Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).*

*In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.*

### **Human Rights Statement**

*The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).*

*It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this ‘balancing exercise’ in the above report, officers are satisfied that the potential for these proposals to affect any individual’s (or any group of individuals’) human rights has been addressed proportionately and in accordance with the requirements of the ECHR.*