

Report to Planning Committee

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| Application Number: | 2020/0484 |
| Location: | 56 Meadow Road, Netherfield |
| Proposal: | Single storey extension to rear elevation and change of use from C3 to sui-generis, 6 bedrooms, 7 occupants House in Multiple Occupation |
| Applicant: | Silk Projects Limited. |
| Agent: | |
| Case Officer: | Alison Jackson |

The application has been referred to Planning Committee by the Planning Delegation Panel to allow the matters in respect to highway safety and parking and amenity to be fully considered.

1.0 Site Description

1.1 56, Meadow Road, Netherfield is an existing two storey terraced property with existing accommodation within the roof space. The property is set slightly back from Meadow Road. There is an existing pedestrian access to the rear of the property leading from Matlock Street. The site is situated in close proximity to the Netherfield designated local shopping centre.

2.0 Relevant Planning History

2.1 None.

3.0 Proposed Development

3.1 The application seeks planning permission for the change of use of the property from a Class C3 (dwelling) to a House in Multiple Occupation (HMO) providing 6 bedrooms and providing accommodation for 7 occupants, which falls within a sui generis use.

3.2 Permission is also sought for the erection of a single storey rear extension to the property. The materials proposed for the extension are specified as brick to match those of the existing property.

4.0 Consultations

4.1 Nottinghamshire County Council (Highway Authority) – the site is within walking distance of shops, amenities and public transport. The area is

predominately residential and parking on Meadow Road is controlled by single yellow lines. It is therefore unlikely that the proposal would result in an unacceptable risk to highway safety and therefore no objections are raised.

- 4.2 Environmental Health (Noise) – no objections however, an informative should be attached to any grant of planning permission advising in regard to noise insulation and building regulations.
- 4.3 Environmental Health (Licensing) – no objections but a Licence would need to be applied for. The proposal accords with national space standard except in relation to lounge which is marginally below the space standards. As part of the licence application process, amenities including those provided in the kitchen would be assessed.
- 4.4 Environment Agency – no objections as the submitted Flood Risk Assessment states that existing internal ground levels within the property are 22.15mAOD. This is 0.24metres above the potential flood level at the site (flood level of 21.91mAOD), therefore there are no flood risk issues arising. Standing advice should be applied for the proposed rear extension.
- 4.5 Nottinghamshire County Council (Local Lead Flood Authority) – no comments in respect to the application as the proposal does not constitute a major application, however, the development should not increase flood risk to neighbouring sites or put the development at risk of flooding.
- 4.6 A site notice was displayed and neighbour notification letters posted. As a result of the consultation undertaken 19 no. letters of objection have been received and these are summarised below:
 - Detrimental impact on the properties in the area.
 - The occupation of the dwelling with 7 occupants does not compliment the local environment.
 - The use of the property would act as a deterrent to the area.
 - Existing residents, if there is an economic downturn, would leave the area if permission is granted.
 - The proposed use of the premises would set a precedent.
 - Highway safety issues.
 - Lack of parking. There is no off road parking serving the property and only three cycle spaces proposed.
 - Concern over parking and traffic flow owing to construction vehicles.
 - Traffic congestion in the area.
 - Existing access points are already blocked, the possibility of more cars will add to this.
 - Parking has recently been restricted on Knight Street as yellow lines have been introduced.
 - Concerns over potential anti-social behaviour.
 - Existing residents have put a lot of work into their properties and the proposal would be detrimental to this.
 - There is a further application pending on Ashwell Street, which will add to the parking problems in the area in general. Further HMO's are also proposed in the area which will result in a detrimental impact.
 - Impact on the value and saleability of neighbouring properties.

- Additional noise to neighbouring properties.
- Loss of family homes and a family area.
- The proposal will threaten the cohesion and sense of community in the area.
- There is a lack of affordable homes in the area. Fewer homes in the area are owner occupied.
- Families should be encouraged to this developing area.
- The demand for on street parking will prevent road maintenance and refuse collections.
- Concerns that the premises will be used for illegal sex operations.
- Concerns that houses in multiple occupation will spread Covid-19 in the property and the area in general.
- Concerns over the safety of residents in the area.
- Increase in rubbish and bins on the street and to the rear of the property.
- A three bedroom house would be over occupied with 7 residents.
- HMO's should be banned in residential streets/areas.
- The use of the loft is a health and safety issue as there is no fire escape.
- Increase in rental properties.
- Why can a company that is not from the area purchase properties and convert them into money making machines. They are operating a 'pyramid scheme'.
- Impact of the rear extension onto neighbouring properties in respect to loss of light.
- Concerns that the existing sewerage system will not cope with so many residents.
- The works on the property have already been undertaken.
- Unscrupulous landlords are not wanted in Netherfield.
- A parking permit scheme may need to be introduced
- Stress caused to neighbouring residents
- Concerns over who will occupy the property.

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2019

Sets out the national objectives for delivering sustainable development. Section 1 (Achieving Sustainable development), Sections 5 (Delivering a sufficient supply of homes), 12 (Achieving well-designed places) and Section 14 (Meeting the challenge of climate change, flooding and coastal change)

are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 3 – Managing Flood Risk states planning permission will be granted for development in areas at risk of flooding provided that the development does not increase the risk of flooding on the site or elsewhere.

LPD 32 - Amenity states “Planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures”.

LPD 37 – Housing Type, Size and Tenure states “Planning permission will be granted for residential development that provides for an appropriate mix of housing, subject to housing need and demographic context within the local area.”

LPD 57 – Parking Standards states “Planning permission for residential development will be granted where the development proposal accords with the aims of the Council’s Supplementary Planning Document 2012 – Parking Provision for residential developments, or unless otherwise agreed in writing by the Local Planning Authority.

LPD 61 – Highway Safety states “Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.”

6.5 Other

Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

7.0 Planning Considerations

Principle of the Proposed use

- 7.1 The site is located within an urban area where the principle of the proposed use of the property together with the use of the proposed extension as an HMO is considered acceptable subject to the assessment of all material planning considerations. The property is currently unoccupied with its authorised use being as a Class C3 residential dwelling and whilst the proposed use, given that there would be 7 occupants at the property, would result in the use of the property falling within a sui generis use, the premises will be used for residential purposes, which is acceptable in this location.
- 7.2 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2019, policy 8 of the Local Planning Document 2018 and policy LPD37 of the Local Planning Document 2018.

Impact of the proposed Use on Residential Amenity

- 7.3 In my opinion the use of the existing property and the proposed extension as an HMO will result in no undue impact onto the amenity of neighbouring properties. Whilst there would be 7 people occupying the property, the facilities in the property are shared by the residents and therefore the occupants would be effectively living as one residence.
- 7.4 It is also acknowledged that the property could be used as a 6-bed HMO without requiring planning permission, I therefore consider that the occupancy of the property with one additional resident, but only six bedrooms will result in no undue impact on the amenity of neighbouring properties.
- 7.5 Whilst I note the concerns of neighbouring residents in respect to the fact that the use would not be as a 'family home' and the proposed use would affect what existing residents consider to be a 'family area' with the use adversely affecting the community in the area, I can see no justification for this assertion. The use of the property by 7 occupants, whilst I accept would be different from a conventional 'family home', the use of the property as a HMO is supported through Policy 8 of the Aligned Core Strategy and LPD37, as above, which states that residential development should contribute to a mix of housing tenures, types and sizes to create sustainable, inclusive and mixed communities. This proposed development would provide accessible accommodation for tenants in a very sustainable location, close to public transport links and local amenities and would provide a mixed community.
- 7.6 The area of Netherfield currently offers a mixture of housing types, which is welcomed in terms of planning policies, providing inclusive communities. Planning policy does not prevent the development of properties for HMO's providing all other material considerations are assessed.
- 7.7 The Environmental Health Officer has been consulted on the application and has advised that they raise no objections to the proposed use of the premises in terms of the compliance with space standards. I see no reason to disagree with the professional advice of the Environmental Health Officer, however a

Licence would need to be sought from the Borough Council and other matters in respect to facilities being provided within the property, i.e. fridges etc. would need to be assessed by Environmental Health through a mandatory 'property health check' as part of the application process.

- 7.8 The comments received from the Council's Public Protection Section in respect to the building regulations requirements and sound insulation etc. should be attached as a note to any grant of planning permission.
- 7.9 The implementation of these building regulations requirements, which will need separate building regulations approval, will also prevent any noise issues emanating from the use of the premises and between the individual rooms within the premises themselves.
- 7.10 The building regulations will also cover any potential fire risk issues affecting both the occupants of the property and given the fact that the property is a terraced property, neighbouring properties as well.
- 7.11 I note that concerns have been raised in respect to potential anti-social behaviour as a result of the occupants of the property, again I see no justification for this assertion. However, as the property would be tenanted should any anti-social behaviour issues arise, these can be reported to the owner/management company of the property or the Council's Public Protection department and these matters could therefore be investigated and any appropriate action taken. Any matters of a more serious nature could also be investigated by Nottinghamshire Police.
- 7.12 It is therefore considered that the proposal accords with the aims of Policy 8 of the Aligned Core Strategy and policy LPD32 and policy LPD37 of the Local Planning Document 2018.

Design and Impact of the Proposed Extension on Neighbouring Amenity

- 7.13 In my opinion, the proposed rear extension together with the proposed minor alterations to the external appearance of the existing building (this being the replacement of a window with a door) will be visually acceptable and will not detract from the existing dwelling.
- 7.14 The proposed extension is subservient in its nature to the existing dwelling and does not appear dominant on the site, with amenity space to serve the property remaining. Whilst I note that the proposed extension would be constructed with a flat roof, given that the extension is to the rear of the property where views will be limited, I consider that the construction of the extension with a flat roof is acceptable in this instance.
- 7.15 I note that the proposed extension would be sited adjacent to the side boundary of the site with no. 58 and, whilst set in from the side boundary of the site with the other immediate neighbouring property, no. 54, the extension is still relatively close to this neighbouring dwelling. However given the single storey nature of the extension together with the orientation of the site, I am satisfied that there would be no undue overbearing or overshadowing impact onto neighbouring properties.

- 7.16 In regard to any potential overlooking impact onto neighbouring properties, given the siting of the windows and doors, together with boundary treatments that are in place, I am satisfied that there will be no undue overlooking impact onto neighbouring dwellings.
- 7.17 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2019, policy 10 of the Aligned Core Strategy 2014 and policy LPD32 of the Local Planning Document 2018.

Highway Safety

- 7.18 The Highway Authority has raised no objection to the proposal and state that the proposed use of the premises as a HMO would result in no undue highway safety issues.
- 7.19 The Highway Authority comment that parking on Meadow Road is controlled by single yellow lines and therefore there should be no haphazard parking on Meadow Road which would result in highway safety issues. It is noted that Meadow Road is a main route through Netherfield and therefore if parking was to occur on Meadow Road this could result in highway safety issues. However, the presence of the single yellow lines should avoid any parking on Meadow Road, therefore, averting any highway safety issues arising.
- 7.20 I note that no parking provision is being made at the site to serve the proposed use of the premises as an HMO. LPD 57 as set out above, states that planning permission will be granted for residential development where the development proposal meets the requirements for parking provision as set out within Appendix D of the Local Planning Document or otherwise agreed in writing by the Local Planning Authority. Appendix D reflects the Parking Provision for Residential Development SPD which gives guidance on the parking provision required for development. Policy LPD57 together with Appendix D and the Council's Parking SPD refer to the requirement for parking provision for dwellings and flats alone with no reference being made to residential developments falling within a residential sui generis use which this proposal is for. I consider therefore that in accordance with policy LPD57, as the proposal relates to residential sui generis use as opposed to dwellings or flats, the requirements of Appendix D and the guidance within the Parking SPD cannot be applied in this instance. It is therefore the latter of part (a) of Policy LPD57 that applies in this instance in that planning permission can be granted for residential development providing parking standards are as 'otherwise agreed' by the Local Planning Authority.
- 7.21 Taking the above into account, I consider given the proximity of the site to the Netherfield designated shopping area, where there are a number of public car parks together with a number of amenities, shops, etc. which are within walking distance of the application site, together with the fact that the site is situated on a public transport route, the requirement for off road car parking at the site is not required in this instance and the requirement for parking provision has been appropriately assessed in accordance with policy LPD57.

- 7.22 Whilst I note that neighbouring residents have raised concerns in regard to the lack of off street parking and that there will be a greater demand for on road car parking on neighbouring streets preventing existing residents from being able to park, again the site is on a bus route and close to public car parks which can adequately accommodate parking.
- 7.23 With this property and other properties within the area which do not have off street car parking facilities, the on street parking is not restricted to individual properties, it is a case where anyone can park on the street. The concerns raised in regard to parking permits being introduced for residents would be a matter for the County Council as Highway Authority.
- 7.24 I am also mindful of the nature of the use of the dwelling, as a HMO, where occupants are perhaps not likely to have cars but if they do, then given the proximity of the site to a number of public car parks and on street parking being available in the area, parking can be accommodated.
- 7.25 I am also conscious that when the property is marketed as a HMO the rooms available would not state that no off road car parking is available to serve the site and therefore the parking issue may manage itself to a certain extent, as if future occupants required off street parking they would be unlikely to apply to be a tenant at the property.
- 7.26 The site does however offer cycle parking to serve the site which is welcomed.
- 7.27 It is therefore considered that the proposal accords with policy LPD61 in respect to highway safety and LPD57 in regard to the need for off street parking provision.

Flood Risk Issues

- 7.28 As the proposal relates to a change of an existing residential property there is no requirement to undertake a sequential test or an exception test. The proposal however has to be assessed as to whether or not the proposal results in any flood risk issues to the occupants of the premises. As the proposal is for the change of use of the premises, there will be no increased flood risk to the area in general.
- 7.29 A Flood Risk Assessment has been submitted with the application which states that existing internal ground levels within the property are 22.15mAOD. This is 0.24metres above the potential flood level at the site (flood level of 21.91mAOD), therefore there are no flood risk issues arising.
- 7.30 The Environment Agency has advised that in regard to the proposed rear extension standing advice should be applied. In this respect given that the floor levels of the rear extension are to be set no lower than the floor level of the existing dwelling, I am satisfied that there are no flood risk issues affecting the proposed rear extension.
- 7.31 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2019, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Other

- 7.32 I am aware that there are other planning applications which are currently being assessed by the Borough Council for the conversion of properties within the Netherfield area to HMO accommodation. I would advise that each proposal and site must be considered on its own merits and precedents are therefore not set should one site be granted planning permission.
- 7.33 Whilst I appreciate that during any construction works there is likely to be some disruption to neighbouring residents, this is unlikely to result in significant prolonged disruption. However, should issues arise in regard to times and operations of construction work these matters can be investigated by the Council's Public Protection department and any appropriate action taken.
- 7.34 I am aware that some works have commenced at the property, this matter has been discussed with the Agent for the application who has advised that the works being undertaken are internal works only to the existing property, in order to create a 6 bedroom HMO for 6 residents. The Agent has advised that if permission fails for the proposal as it currently stands for 6 bedrooms and 7 occupants, their fall-back position would be to convert the property to 6 bedrooms with 6 residents which would not require planning permission. I am therefore satisfied that the works which have been undertaken do not require planning permission in their own right and the development has not commenced in respect to this current application. The Agent was also advised that should any works commence at the property which do require planning permission these works would be at the applicant's own risk.
- 7.35 The potential impact of the proposal on the value of neighbouring properties is not a material planning consideration.
- 7.36 There is no evidence to suggest that the property will be used for illegal purposes, however should this be found to be the case once the property is occupied it would be a Police matter.
- 7.37 The concerns in regard to the potential spread of Covid-19 in the property is not a material planning consideration. Whilst Covid-19 is a concern for all, certain procedures can be adopted to control this. Furthermore, the occupants would be living as one household and would have to follow any applicable Covid legislation and guidance.
- 7.38 There is no evidence that the proposal would lead to unscrupulous landlords in the area, however the landlord would need to apply for a Licence under separate legislation.

8.0 Conclusion

- 8.1 The proposed development is consistent with national and local planning policies. The proposal will result in no undue impact on the residential amenity of occupiers of neighbouring properties, there are no highway safety or parking issues arising and space standards within the development are

considered to be acceptable. The development is also acceptable in respect to flood risk issues. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 1, 5, 12 and 14), Policies A, 1, 8 and 10 of the GBCAS (2014) and Policies LPD 3, 32, 37, 57 and 61 of the LPD.

Recommendation: GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development shall be undertaken in accordance with the details as set out within the application form received on the 27th May 2020, the location plan received on the 27th May 2020, the plans received on the 27th May 2020, drawing numbers 001, 002 and 003 and the Flood Risk Assessment by Silk Projects LTD, dated September 2020.
- 3 The development shall be undertaken in accordance with the submitted Flood Risk Assessment, by Silk Projects LTD, dated September 2020 which states that existing internal ground levels within the property are 22.15mAOD. This is 0.24metres above the potential flood level at the site (flood level of 21.91mAOD).

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure that the site is safe and suitable for use, thereby taking into consideration the aims of the National Planning Policy Framework 2019, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Reasons for Decision

The proposed development is consistent with national and local planning policies. The proposal will result in no undue impact on the residential amenity of occupiers of neighbouring properties, there are no highway safety or parking issues arising and space standards within the development are considered to be acceptable, a Licence however would need to be sought from the Borough Council. The development is also acceptable in respect to flood risk issues. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Sections 5, 12 and 14), Policies 1, 8 and 10 of the GBCAS (2014) and Policies LPD 3, 32, 37 and 61 of the LPD.

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Your attention is drawn to the following Building Regulations advice which will need to be adhered to: Sound Insulation & Building Regulations The resistance to the passage of sound in buildings must comply with Approved Document E of the building regulations which sets out standards for the resistance to airborne sound and impact sound between and within dwellings. Approved Documents E covers:- Separating walls, floors & associated flanking transmissions for new buildings- Internal walls, floors & stairs for new buildings-Dwelling houses & flats formed by a material change of use-Rooms for residential purposes-Common internal parts of buildings containing flats or rooms for residential purposes . Approved Document E states that it is good practice to consider the layout of rooms in separate dwellings at the design stage to avoid placing noise sensitive rooms next to rooms in which noise is generated eg not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019).

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Date Recommended: 17th November 2020