



Planning Report for 2022/0153

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Planning Reference: 2022/0153
49 Chandos Street
Netherfield



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Report to Planning Committee

Application Number: 2022/0153

Location: 49 Chandos Street Netherfield

Proposal: Proposed change of use from dwelling (C3) to 7 bedroom HMO including rear dormer extension.

Applicant: Mr Justin Ingrey

Agent: Wilson Architects Ltd

Case Officer: Alison Jackson

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

1.0 Site Description

- 1.1 49, Chandos Street, Netherfield is an existing two storey semi-detached property. The property is set slightly back from Chandos Street. The property does not benefit from off street parking. 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 Planning permission is sought for the change of use of the property from a Class C3 (dwelling) to a House in Multiple Occupation (HMO) providing 7 bedrooms which falls within a sui generis use. Five of the proposed rooms would provide en-suite facilities, with bedrooms 6 and 7 having access to a shared bathroom. A communal area is proposed on the ground floor providing a kitchen and seating area.
- 3.2 Permission is also sought for the erection of a dormer to the rear elevation roof slope of the dwelling, this providing accommodation within the existing roof area to provide bedrooms 6 and 7. The materials proposed for the dormer are tiles to the elevations to match the existing dwelling.

4.0 Consultations

- 4.1 Nottinghamshire County Council (Highway Authority) – no objections, however it is noted that the existing dwelling relies on on street parking only. Parking on street is not a road safety issue however, inconvenience could be caused to existing residents who also have a demand for parking in the area.
- 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 space and amenities standards of the Council and where further verification is required, it will be assessed during the Licensing process.
- 4.4 Environment Agency – From a flood risk perspective, the development site falls within flood zone 2 and our flood risk standing advice (FRSA) applies.
- 4.5 Car Parks Officer – the closest public car park is the one located at Morris Street. The car park is chargeable between 8am and 6pm Monday to Saturday, outside of these times the car park is free of charge. Parking permits are available to residents, there are currently nine permits available at present, these costing £200 per annum or £55 a quarter. There are no current plans for a residents only parking scheme on Chandos Street.
- 4.6 A site notice was displayed and neighbour notification letters posted. As a result of the consultation undertaken 24 no. letters of objection have been received together with a petition which has been signed by 60 residents and these are summarised below:
- ☐ Too many HMO's in the area.
 - ☐ Too many people occupying the property.
 - ☐ The development will attract strangers.
 - ☐ Out of character with the area and does not fit in with the local demographic.
 - ☐ Highway safety issues for road users and pedestrians.
 - ☐ Lack of parking.
 - ☐ Could parking permits be issued.
 - ☐ The suggestion that local car parks can be utilised is not a solution.
 - ☐ Road congestion.
 - ☐ Noise pollution.
 - ☐ Increased rubbish at the site.
 - ☐ Health issues as a result of more car use in the area affecting air quality and causing pollution.
 - ☐ The proposal could set a precedence.
 - ☐ Impact on mental health and community cohesiveness.
 - ☐ Lack of capacity at the health centre.
 - ☐ Covid concerns owing to the sharing of the dwelling.
 - ☐ Impact on the family nature of the area.
 - ☐ Loss of community feel.
 - ☐ Loss of family housing.
 - ☐ Loss of value of neighbouring properties resulting in a potential law suit.

- ☐ There are areas in Nottingham City and other areas where it would be desirable to have HMO's.
- ☐ Netherfield is considered a 'poor relation' in the Borough and therefore property developers are drawn to neglected housing stock. The Council should consider buying these houses to rent to families who cannot afford to buy.
- ☐ Unscrupulous landlords.
- ☐ If permission is granted private ownership will disproportionately gain a substantial revenue at the cost to Netherfield as a developing community.
- ☐ The personal profit to developers is at the expense of the community.
- ☐ Increased pressure on local infrastructure.
- ☐ If the developers are serious about creating 'high end' property they would be developing the property for rental or other types of tenants.
- ☐ HMO's are not a viable solution to the housing crisis.
- ☐ There should be an Article 4 Direction.
- ☐ There is no facility to house bins for a HMO resulting in pedestrian safety issues.
- ☐ There is no mention in the application in regard to disabled access/egress. These users are being discriminated against
- ☐ Lack of consultation on the application and the correct procedures have not been followed.
- ☐ Concerns over the capacity of the drainage and water system.
- ☐ People who rent houses are at risk of losing their homes to developers such as this.
- ☐ There are a number of HMO's in the area that aren't fully occupied. There is no further requirement for this type of development.
- ☐ The people occupying HMO's have no interest in investing in the local community as they are mostly a transient population.
- ☐ HMO's are magnets for antisocial behaviour resulting in added pressure on the Police.
- ☐ Developers should use empty shops etc for developments such as this.
- ☐ The rear dormer is overly large resulting in overshadowing and overbearing impacts onto neighbouring properties.
- ☐ Loss of light as a result of the dormer.
- ☐ Loss of privacy as a result of the dormer.
- ☐ The dormer will have a dominant impact.
- ☐ The proposed dormer would affect the ability for neighbouring properties to install solar panels.
- ☐ There is no benefit to neighbouring residents
- ☐ Lack of facilities and social attractions for people who are likely to occupy this type of property.
- ☐ Child protection issues given the proximity of the dwelling to a primary school.
- ☐ Flood risk issues.
- ☐ Increased crime.
- ☐ Concerns raised over the vetting of the tenants.

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 2021

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 and Non-Residential Developments – Supplementary Planning Document 2022– 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 proposed use of the converted loft space as a HMO is considered acceptable subject to the assessment of all material planning considerations. The property has an authorised use as a Class C3 residential dwelling and whilst the proposed use, given that there would be 7 bedrooms provided 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 Concern has been expressed by residents that there is an over concentration of HMOs within the ward of Netherfield. A recent assessment of the Netherfield housing stock which comprises of 2915 residential properties concludes that only **0.24%** (7 properties) are comprised of HMOs accommodating 5 or more unrelated individuals. If this application were to be approved, the percentage would increase to **0.27%** (8 properties).
- 7.3 It is therefore considered that the principle of the use, subject to the below considerations accords with the aims of the National Planning Policy Framework 2021, 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

- 7.4 In my opinion the use of the existing property, together with the proposed loft conversion, as a HMO will result in no undue impact onto the amenity of neighbouring properties. Whilst there would be 7 bedrooms provided at the

property, facilities in the property are shared by the residents and therefore the occupants would be effectively living as one residence.

- 7.5 It is also acknowledged that under permitted development rights the property could be used as a 6-bed HMO without requiring planning permission. I therefore consider that the creation of one additional bedroom in order to create 7 bedrooms in total will result in no undue impact on the amenity of neighbouring properties.
- 7.6 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 as a HMO as proposed, whilst I accept would be different from a conventional 'family home', 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.
- 7.7 I do not consider that the proposal would lead to the area being overpopulated as a result of the proposed use of the premises as an HMO.
- 7.8 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.
- 7.9 The Environmental Health Officer has been consulted on the application and has advised that they raise no objections to the proposed use. 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 which would assess space standards, facilities being provided within the property, i.e fridges etc with these matters being assessed by Environmental Health through a mandatory 'property health check' as part of the application process.
- 7.10 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.
- 7.11 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.
- 7.12 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.

- 7.13 I note that concerns have been raised in respect to potential anti-social behaviour/crime as a result of the occupants of the property and the potential that the area will become unsafe, 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.
- 7.14 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 Rear Dormer on Neighbouring Amenity

- 7.15 In my opinion, the proposed dormer extension to the rear elevation roof slope of the property will be visually acceptable and will not detract from the existing dwelling. The proposed dormer sits within the existing roof of the dwelling and does not project above the ridge of the existing dwelling which is welcomed.
- 7.16 I am satisfied that there would be no undue overbearing or overshadowing impact onto neighbouring properties as a result of the proposed rear dormer.
- 7.17 In regard to any potential overlooking impact onto neighbouring properties, given the windows to the dormer will look onto the rear garden area of the application dwelling, I am satisfied that there will be no undue overlooking impact onto neighbouring dwellings.
- 7.18 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2021, policy 10 of the Aligned Core Strategy 2014 and policy LPD32 of the Local Planning Document 2018.

Highway Safety

- 7.19 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 but note that demand for on street parking may result in inconvenience to neighbouring residents but that this is not a highway safety issue.
- 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, the closest of these being the car park located at Morris Street where parking is chargeable between the hours of 8am and 6pm and free outside of these times and residents are able to purchase permits within the Morris Street car park together with a number of amenities, shops, etc. which are within walking distance of the application site and 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, although there are no current plans for a residents only parking scheme on Chandos Street.
- 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 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 In respect to the issues of road maintenance, this would be a matter for the County Council as the road is an adopted highway.
- 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 I note that the Environment Agency has advised that the proposal should be assessed against their standing advice, in this respect I am satisfied that providing the development is undertaken in accordance with the details as set out within the submitted Flood Risk Assessment, these being that the existing finished floor levels will remain unchanged and resilience measures will be implemented, for example, all service entries will be sealed, insulation will be provided to pipes below the predicted flood level, meters would be located above the predicted flood level etc, there are no flood risk issues arising as a result of the proposal. A condition therefore will need to be attached to any grant of planning permission to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment.
- 7.30 It is therefore considered that the proposal accords with the aims of the National Planning Policy Framework 2021, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.

Other

- 7.31 I am aware that there have been other planning applications 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.
- 7.32 The Local Planning Authority are required to assess applications submitted and determine the applications accordingly taking into account all material planning considerations. There may be sites located within the administrative area of Nottingham City Council and elsewhere within Gedling Borough which are appropriate, but this is not a consideration which can be given any weight in determining this application.
- 7.32 The possibility of the Council acquiring housing stock in the Netherfield Ward is not a material planning consideration and again cannot be given any weight in determining this planning application.
- 7.33 The concerns in respect to the impact of the proposal on the sewage system and water supply to the site would be a matter for Severn Trent and Building Control in order to ensure that there is capacity for the safe disposal of waste and adequate water can be provided to the property.
- 7.34 There is no evidence to assume that the use of the property as an HMO will result in air quality issues.
- 7.35 The concerns raised in respect to disabled access and egress would be dealt with under the submission of a Building regulations application. Means of fire

escape from the first and second floors would also be considered through the Building Regulations.

- 7.36 I note the concerns raised in respect to where bins would be stored and am satisfied that these can be accommodated on the frontage of the application site. There is no evidence to suggest that as a result of this proposal fly tipping would occur in the area which would lead to vermin in the area. The cleanliness of the site would be a matter for occupants of the property but should problems arise, as the premises would be tenanted the concerns could be reported to the owner/management company of the property or the Council's Public Protection Section and these matters would be investigated and any appropriate action taken.
- 7.37 The potential impact of the proposal on the value of neighbouring properties is not a material planning consideration.
- 7.38 The viability of the proposed development for the applicant and the demand for the product is not a material planning consideration and neither is the possibility that other landlords may consider disposing of their assets to a HMO provider
- 7.39 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, the occupants would be living as one household and should follow all applicable Covid legislation and guidance which is in force at any time.
- 7.40 The concerns raised over the potential impact of the development on the mental health of neighbouring residents is not a material planning consideration.
- 7.41 I note the request that an Article 4 Direction should be put in place. This is an executive matter and not one that can be considered by this committee. A report on this matter was recently considered by the Cabinet following a resolution at Full Council on the 20th April 2022. Cabinet accepted that there is currently insufficient evidence to demonstrate that an Article 4 direction is necessary to protect local amenity or the well-being of the Netherfield Ward but requested that officers report back to Cabinet within six months (December 2022) with an update, to allow Cabinet to further consider and determine if there is sufficient evidence to demonstrate an Article 4 Direction and/or other measures necessary to protect local amenity or well-being of the Netherfield Ward.
- 7.42 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.
- 7.43 Concern has been expressed that the proposal could lead to a loss of private rented accommodation. It should however be noted that HMOs have the potential to increase the level of private rented accommodation and diversify the stock of private rented accommodation.

- 7.44 The concerns raised in relation to community cohesion and loss of family properties are noted but as detailed above, the overall number of HMOs in Netherfield remains low.
- 7.45 Concerns have been raised in relation to the requirement to provide infrastructure. It should however be noted that additional new community facilities including a local centre and new primary school have been provided at Teal Close. Due to the small scale of the proposed development, the National Health Service (NHS) would not normally seek a financial contribution to mitigate the impact of the development and have not done so in this instance. Health care contributions have however been sought in relation to larger developments in the wider area.
- 7.46 Safeguarding issues are dealt with under other legislation and cannot be determined when considering this planning application.
- 7.47 I note that concerns have been raised in regard to the consultation procedures with local residents in respect to the application and can confirm that the correct consultation procedure has been followed in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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 carried out in accordance with the details as set out within the amended application form received on the 5th April 2022, the site location plan received on the 8th February 2022, the site/block plan received on the 8th February 2022 and the plan showing the proposed floor plans and elevations received on the 8th February 2022, drawing number: 22017-P-102.
- 3 The development shall be carried out in accordance with the submitted Flood Risk Assessment received on the 8th February 2022 titled 'Application for the Proposed Change of Use to 49 Chandos Street, Netherfield, NG4 2LP.

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 2021, 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

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021).

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.

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.