

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT AND REGENERATION

142 Harlaxton Drive, Nottingham

1 SUMMARY

Application No: 14/01968/PFUL3 for planning permission

Application by: Ashton King on behalf of Mr S Meah

Proposal: Conversion to 2 flats.

The application is brought to Committee due to representations received both supporting and objecting to the proposal from ward councillors.

To meet the Council's Performance Targets this application should have been determined by 7th October 2014

2 RECOMMENDATIONS

REFUSE PERMISSION for the reasons set out in the draft decision notice at the end of this report.

3 BACKGROUND

3.1 142 Harlaxton Drive is a two storey detached dwelling located on the western side of Harlaxton Drive. The properties on this section of Harlaxton Drive are generally semi-detached or detached with parking for one space to the front or side. The dwelling is currently occupied by the applicant and his extended family as Class C3 family houses (C3 dwelling).

3.2 The dwelling has five bedrooms, a bathroom and separate toilet on the first floor and a kitchen/diner, two living rooms and second toilet on the ground floor. Off Street parking for between 1-2 cars is available to the front of the dwelling.

3.3 The site is adjoined by detached and semi/detached properties which appear to be used as HMO accommodation. It is located within a primarily residential area.

4 DETAILS OF THE PROPOSAL

4.1 The application seeks permission for conversion of the house to two apartments. The first apartment would occupy the ground floor and have two bedrooms with a living/dining room, shower and toilet. The second apartment would occupy the first floor and would have 3 bedrooms, kitchen, living room and shower room.

4.2 No alterations are proposed to the external appearance of the dwelling.

4.3 In support, of the application, the applicant has stated that it is their intention to use the apartments for Class C3 family use (C3 dwelling) only. They are aware of the

Article 4 Direction and the restrictions it places in the area for additional Class C4 houses in multiple occupation (C4 dwelling). The first floor apartment has three bedrooms but the intention is for the 'third' bedroom to be used as a study.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The following have been notified of the application directly:

140 and 142 Harlaxton Drive – No representations received.

One letter of objection has been received from Nottingham Action Group on HMOs (NAG). Whilst NAG appreciates that the sensitive conversion of large family houses into flats may be the only way large properties can be made suitable for modern residential use, they consider that the dwelling in question does not fall into this category, and for the reasons outlined below wish to object to the application:

1. Conversion of this property into two flats would remove from the housing market precisely the sort of larger family homes (three-plus bedrooms) which are needed if Nottingham is to prevent migration of families away from the city itself.

2. The 'Lenton Drives' neighbourhood in which the property is located is a pleasant, residential area which, though it has at present a substantial HMO profile and associated transient population, it also has the clear potential to attract new families to it and to retain existing family households.

3. The planned conversion would not provide flats which are suitable for family occupation.

4. It is proposed to provide shower room facilities in both flats. This would indicate that the market that is being aimed at is a young, transient one (not necessarily student). Lenton already has a population profile heavily skewed towards this grouping. Conversion of the property in this way will merely increase the transience and unsustainability of the area.

5. The plans indicate that the flat on the first floor will have three bedrooms. Bearing in mind previous concerns raised regarding the potential future occupancy of the property, NAG consider that there is a strong potential for the flat to become a Class C4 HMO, thus (provided planning permission were to be sought and given) increasing the number of HMOs in an area where there are already substantial numbers of this type of property and where the problems associated with HMOs are regularly exhibited to the detriment of the remaining residential population and the future viability of the area.

At a round table meeting held on 29 November 2013 the future of Lenton and the contribution of the area and its housing to Nottingham were discussed. The report of that meeting (Changing Lenton & A 'Vision for Lenton') published earlier this year encapsulates the potential of Lenton in the future to be "an 'up and coming' area with a strong sense of identity. A destination that people want to visit and live in which provides excellent facilities for a diverse and energetic community." That vision was endorsed by all the people who attended the meeting and has led to the commencement of a Changing Lenton project, based on the findings of the meeting. If the 'Vision for Lenton' is to be achieved, and if Nottingham as a whole is

to benefit from what Lenton's housing has to offer in the future, then NAG consider it to be essential that conversion of properties like 142 Harlaxton Drive does not take place.

Councillor Piper, Lenton ward councillor has written in opposition the development. She understands that the planning application has been made by the applicants after struggling to sell their property. Whilst she has sympathy for the applicants and all those long term residents who are unable to sell their homes, she does not consider that the proposal is suitable for the area and will cause greater problems. The property is a generous-sized family house on a residential street which ordinarily would be attractive to families. Unfortunately, it is recognised that the neighbourhood has developed a reputation with potential residential purchasers put off due to the large number of HMOs. There are now several initiatives in Lenton, such as the 'Changing Lenton' agenda and new family housing being built on the site of the former Lenton high rise flats, that she hopes will start to change perceptions of the area.

The purpose of introducing Article 4 Direction was to preserve family houses such as 142 Harlaxton Drive and she believes that it makes no sense to lose the property and make it permanently unattractive to a family. There is also the problem of parking. Finally, she considers that if the application is passed, then more home owners struggling to sell will apply for permission to convert houses to flats and we will lose the family houses we are seeking to protect.

Councillor Trimble, Lenton ward councillor has written in support of the proposal. He states that following the introduction of the Article 4 Direction his constituent Mr Meah (the applicant) wrote stating that that they were having problems selling the property to anyone other than a landlord. A meeting was arranged with Councillor Trimble and the then Head of Planning, Andrew Gregory, who has now left the Council. Andrew Gregory suggested a way forward could be converting the property into 2 flats, which would maintain the C3 'family use' planning requirement. The meeting concluded, with the applicant stating that the family would consider this option.

Councillor Trimble is of the view that whilst he would not wish to see the whole area turn from family homes into flats, the proposal would seem like a way forward for some long term residents. He believes that the turmoil of investigating the possibility, making the necessary financial investment and dealing with the disruption and quite substantial building works would be a big enough barrier to prevent this becoming widespread.

He wishes to state for the record that Mr Meah would have reasonably left that meeting with the Head of Planning believing that submitting a planning application subject to meeting the correct standards would be acceptable to the Council.

Additional consultation letters sent to:

Highways: No objections.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Chapter 6 - Delivering a wide choice of high quality home

Para. 50 - 'Create sustainable, inclusive and mixed communities'. 'Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)'. 'Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand'.

Chapter 7 - Requiring good design

Para 57 - 'It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'.

Para 58 - Ensure that developments 'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development' and, 'create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'.

Chapter 11 - Conserving and enhancing the natural environment

Para 120 - 'The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account'.

Para 123 - 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'.

Greater Nottingham Aligned Core Strategies 2014 (ACS)

Policy 8: Housing, Size Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 - Density.

H6 - Student Housing.

NE9 - Pollution.

Building Balanced Communities Supplementary Planning Document (reissued in March 2007) (BBCSPD).

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issue

i) Impact on the creation and maintenance of a balanced community

i) Impact on the creation and maintenance of a balanced community (NPPF Ch.6 Para 50, Policy 8 of the ACS, Policies ST1, H6 of the Local Plan and BBC SPD).

- 7.1 The applicant has stated that the proposed apartments would be used as C3 dwellings for small families. It is not the intention for them to be used as private rented accommodation. Irrespective of the applicants intention and whilst the apartments could be conditioned to remain as C3 dwellings, if the application is approved, the Local Planning Authority wouldn't have control over its future occupation whether it be by small families, mature professionals, students or others, as up to 2 unrelated people can live together in a C3 dwelling without the need for planning permission. The assumption therefore has to be made that each apartment as C3 dwellings could be occupied by two unrelated persons, including students. On this basis the principle of the proposal needs to be considered against saved policies ST1 and H6 of the Nottingham Local Plan and the Building Balanced Communities (BBC) Supplementary Planning Document (BBC SPD), as reissued in March 2007.
- 7.2 Policy ST1 of the local plan seeks to provide and maintain balanced communities within the City, noting that family housing is particularly important to sustain local communities and support local schools as centres of communities. In addition, the BBC SPD, as reissued in March 2007, expands on Policies ST1 and H6 (student housing) and indicates that where student housing would prejudice the creation and maintenance of balanced communities (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students), there will be a presumption to refuse planning permission for further provision of student housing.
- 7.3 The BBC SPD references that an area is in danger of becoming imbalanced if the percentage of student households exceeds 25% of the total number of households in that area (by leading to further over-concentrations of student households or increases in the problems associated with large numbers of students). It also refers to areas which have relatively low level of students households but being in danger of becoming unbalanced as numbers increase and the problems associated with increasing concentrations of students become manifest.
- 7.4 Harlaxton Drive and surrounding streets are located at the centre of the area of high student concentration where a significant number of dwellings have been converted to student HMOs as a consequence of their close proximity to the University of Nottingham campus, its Jubilee campus and the Queens Medical Centre teaching hospital. This particular area has a very high concentration of students, with recent data indicating that within the core output area approx 76.6% of households are students. The average for surrounding output areas (which includes the core output area) is 52.2%. Both figures well exceed the indicative threshold of 25% which is considered to be reasonable in achieving a balanced community.

- 7.5 The Council would generally wish to resist any proposal which has the potential to exacerbate the existing problem of an over-concentration of students and an unbalanced housing mix in this area. This an attractive medium sized family house, with a good sized garden and off street parking which is ideally suited to family use. The proposal would result in the loss of this family dwelling and through subdivision create two smaller apartments which are less likely to be attractive to future family use. There is real concern that this type of accommodation would be more likely to be rented accommodation occupied by young transient occupants, albeit classed as small C3 dwellings.
- 7.6 With the introduction of the Article 4 Direction in 2012 and given the over concentration of student HMOs in the area, the Council would be able to resist any proposal to use the first floor apartment as a 3 bedroom C4 dwelling. However as C3 dwellings both apartments could still be occupied by up to 2 unrelated persons, which would equate to the provision of accommodation for 4 unrelated occupants, including students.
- 7.7 It is important to note that whilst the current proposal alone may appear to be limited in its harm, potentially similar applications along these principles could lead to a cumulative impact that would lead to the further loss of family houses and could exacerbate the existing problem of an over-concentration of students and an unbalanced housing mix in this area.
- 7.8 The proposal is therefore felt to be contrary to the aims of policy 8 of the ACS, policies ST1 and H6 of the Local Plan, the Building and Balanced Communities SPD and NPPF Ch.6 Para 50.

Other Matters

- 7.9 Officers acknowledge Cllr Trimble's representation with its summary of a meeting held between himself, the applicant and the former Head of Development Management. Officers are sympathetic to the difficulties faced by some long term residents in these areas however, it is not felt that the proposal can be supported for the reasons outlined above and real concern about the harmful precedent such a proposal would set.
- 7.10 At a further meeting with the current Head of Development Management, the applicant and his agent were made aware of concerns about the proposal. An option to revise the proposal to form a granny annexe arrangement ancillary to the main dwelling was suggested. Such an option would allow the extended family to live in areas of a separate living accommodation, whilst retaining the property as a medium sized family house. This option was not considered to be acceptable to the applicant.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The proposal does not raise any sustainability or biodiversity issues.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: the requirement to maintain sustainable balanced communities.

14 CRIME AND DISORDER ACT IMPLICATIONS

None

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 14/01968/PFUL3 - link to online case file:
2. Highways comments dated 16.10.14.
3. Email from Councillor Trimble dated 23.09.14.
4. Email from Councillor Piper dated 22.09.14.
5. Email from Nottingham Against HMOs dated 17.09.14.

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NA8HGULY00M00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)
Aligned Core Strategies (September 2014)
National Planning Policy Framework (March 2012)
Building Balanced Communities Supplementary Planning Document (reissued in March 2007)

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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 14/01968/PFUL3
Application by: Mr S Meah
Location: 142 Harlaxton Drive, Nottingham, NG7 1JE
Proposal: Conversion to 2 flats.

Nottingham City Council as Local Planning Authority hereby **REFUSES PLANNING PERMISSION** for the development described in the above application for the following reason(s):-

1. The proposal would result in the loss of a family house, to be replaced by two apartments that cumulatively could be occupied by up to four unrelated occupants without the need for further permission. Located in an area with an existing transient population and high concentration of students, it is therefore likely that the proposal would exacerbate the unbalanced nature of this community and cumulatively, the impact of similar proposals to subdivide family houses into apartments would further erode the prospects of creating a balanced community. The proposal is therefore contrary to Policy 8 of the Greater Nottingham Aligned Core Strategies (September 2014), Policies ST1 and H6 of the Nottingham Local Plan (November 2005), the Building Balanced Communities Supplementary Planning Document (March 2007) and the NPPF Ch.6 Para 50.

Notes

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision. Your attention is drawn to the rights of appeal set out on the attached sheet.



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DRAFT ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 14/01968/PFUL3

If the applicant is aggrieved by the decision of the City Council to refuse permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.