



## Appeal Decision

Site Visit made on 25 August 2021

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 September 2021**

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### **Appeal Ref: APP/Y0435/W/21/3275478**

### **Five Acres Nursing Home, Hanmer Road, Simpson, Milton Keynes MK6 3AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms Mala Mandadi (Papayyah Developments Ltd) against the decision of Milton Keynes Council.
  - The application Ref 20/01529/FUL, dated 23 June 2020, was refused by notice dated 27 November 2020.
  - The development proposed is conversion of the former Five Acres Nursing Home into residential development of 28 Unit House in Multiple Occupation.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matter**

2. The National Planning Policy Framework (the Framework) was revised in July 2021. The main parties have been invited to submit comments on the Framework and any responses have been taken into account.

### **Main Issues**

3. The main issues are (i) whether the proposal would incorporate adequate parking provision, (ii) its effect on the character of the area, having regard to housing mix and community cohesion, (iii) its effect on the living conditions of occupiers of nearby residences in respect of noise, (iv) the effect on trees, and (v) whether associated traffic trips would affect the movement of pedestrians and cyclists.

### **Reasons**

#### *Parking*

4. Policy CT10 of the Council's Plan:MK adopted 2019 (Plan:MK) states that proposals should meet the Council's full parking standards. These are set out in the Parking Standards Supplementary Planning Document 2016 (Parking SPD). The site lies in accessibility zone B and so the standards require the development to have as a minimum 1 less parking space than the number of bedrooms. The plans show the provision of 21 spaces, a shortfall of 6 spaces as 28 bedrooms are proposed.
5. The appellant suggests that a reduced parking provision is justified as the development would be near to facilities and public transport links. However, the Parking SPD sets different standards depending on a site's location and so accessibility is already accounted for in its requirements. As such, there is no justification to provide a substandard number of spaces for these reasons.

6. The appellant sets out a case based upon census data that the proposal would generate a need for 15 to 21 spaces. However, the census information is not recent and relates to all households in a small area surrounding the site rather than occupiers of a house in multiple occupation (HMO). Also, the case relies on assumptions on car ownership of HMO residents that is not firmly evidenced. As such, the submissions in this regard fail to convincingly justify the shortfall in parking.
7. Consequently, in light of the Parking SPD, it is likely that the level of proposed parking would be insufficient to fully meet the needs of the development. The shortfall is likely to lead to a demand for roadside parking. There are no parking restrictions on the nearby highway but it does not allow 2 way traffic movements where cars are parked. Therefore, it is probable that overspill parking as a result of the proposal would lead to an obstruction to traffic flows, particularly when this is in addition to roadside parking associated with events at the adjacent church. Also, the scheme may lead to parking on nearby pavements, which would obstruct pedestrians.
8. I have considered the appellant's suggestion of a planning condition to address this issue. However, the provision of parking spaces over and above those shown on the appeal drawings may give rise to other concerns, such as effect on trees. Furthermore, the scheme has been consulted upon and considered on the basis of the drawings and a requirement for additional on-site parking may prejudice other parties. As such, it would be unreasonable to impose the suggested condition.
9. Therefore, I conclude the proposal would fail to incorporate adequate parking. As such and in these regards, it would not accord with Plan:MK policy CT10. The Council's refusal reason refers to Plan:MK policy HN7 although this includes no specific provisions relevant to this issue.

#### *Character of the area*

10. Plan:MK policy HN7 seeks to ensure proposals do not lead to an over concentration of HMO's and an imbalance in the local community. Also, it refers to the Council's HMO Supplementary Planning Document 2012 (HMO SPD). At paragraph 1.1, it is stated that the HMO SPD sets out the approach to assess schemes for a change of use from a single dwelling to a HMO. The appeal development relates to a change of use from a nursing home and so the HMO SPD contents are not strictly applicable.
11. The HMO SPD includes a method for assessing whether a proposal would lead to a concentration of HMO's by looking at property types within 100 m of a site. The proposal would lead to some 74% of properties in the catchment area being HMO's, which is more than the HMO SPD guide figure of 35%. However, the small number of properties within 100 m of the site at least partly explains this high figure. Moreover, the HMO SPD states that the 35% measure will be used as a guide and that the character of the surrounding area will also be taken into account. As such, and given the questionable relevance of the HMO SPD, I consider the 35% figure should not be determinative as to the acceptability of the proposal in relation to this issue.
12. There are no existing HMO's near to the site and so the proposal would introduce a new type of accommodation to the area. Also, it would replace a 25 bed nursing home and so it would provide a similar level of residential use,

albeit without care provision. The HMO would be away and screened from the road by trees and so it would not be visually prominent. Nevertheless, it would be near to the facilities in the locality and there is no reason why future residents would not use these or contribute in other ways to the community.

13. Given these factors, I conclude the proposal would not harm the character of the area having regard to housing mix and community cohesion. In these regards, it would accord with Plan:MK policy HN7.

#### *Noise*

14. The Council's noise concerns relate to the coming and goings of future residents. It is more likely that occupants of the proposed HMO would be able to drive compared to the residents of the previous nursing home. However, the former use would have generated movements by care staff and visitors and there is no evidence that these caused disturbance to occupiers of nearby properties. This indicates traffic noise associated with the proposal would not be disruptive, even if more trips are generated compared to the nursing home.
15. The entrance to the site is seen from nearby residences and so neighbours would be able to see visitors coming to and leaving the proposal. Nonetheless, the movement of people is an usual activity in a residential area. As such, trips generated by the HMO would not by their nature be disruptive, particularly as the access and parking area would be set away from other dwellings.
16. I am unconvinced by claims that the HMO would cause noisy activities on the site as they are based upon unsubstantiated assumptions on the behaviour of future occupants. The HMO would provide living accommodation in a predominantly residential area and so it is unlikely to cause undue disturbance.
17. For these reasons, I conclude the proposal would not cause harm to living conditions of occupiers of nearby residences in respect of noise. In these regards, it would accord with Plan:MK policy D5 which, amongst other things, seeks to ensure a good standard of amenity for properties.

#### *Trees*

18. The site includes a number of protected trees which as a group make a significant contribution to the visual quality of the area. The Council raise no objection to the removal of a single small holly as most of the trees are shown to be retained. I find no reason to arrive at a different view on this matter.
19. The new bin store and some parking spaces would be provided in the root protection areas of retained trees. The appellant states it would be feasible to carry out such works without causing significant harm to the well-being of any tree. The Council do not dispute this claim, although it suggests further details are required in order to ensure avoidance of harm. As these details relate to the method of construction for features as shown on the plans, I am satisfied that a planning condition could be reasonably imposed to cover this issue.
20. As such, I conclude the development would not have a harmful effect on trees. In these regards, it would accord with Plan:MK policies NE3 and D1 which aim, amongst other things, to ensure development responds appropriately to a site and maintains biodiversity resources. The refusal reason refers to Plan:MK policy D5 although it includes no relevant provisions on this issue.

### *Pedestrians and cyclists*

21. The drive to the property crosses the roadside pavement and provides access to 2 houses as well as a walkway to the side of the site. There is no pavement on the drive to formally segregate vehicles from pedestrians or cyclists. Nevertheless, it is wide and straight and so there is good visibility along and around it. Moreover, there is no evidence that suggests its usage by vehicles has previously caused significant risk to pedestrian and cyclist safety.
22. For these reasons, I conclude traffic trips associated with the proposal would not have a harmful effect on the ease of movement of pedestrians or cyclists. In these regards, it would accord with Plan:MK policy CT2 which, amongst other things, looks to protect access to public rights of way and provide safe accesses. Plan:MK policy D5 includes no provisions relevant to this issue.

### **Other Considerations and Planning Balance**

23. The adjoining St Thomas's Church is a grade II\* listed building which gains its significance as a historic community building with well-preserved medieval fabric and interesting fittings. The nearby 436 Simpson and Simpson War Memorial Obelisk are grade II listed buildings which form a group of value with the church. The proposal would not significantly alter the appeal property and so it would not harm the setting or significance of these listed buildings.
24. As it has been vacant, the property has been the subject of anti-social behaviour. The development would help address this problem but it could also be overcome through the provision of additional security measures to prevent trespass. I attach limited weight to the proposal's benefits in this regard.
25. The scheme would reuse the site and would represent an efficient use of land. It would add to the housing stock, generate construction employment and provide accommodation for people to support local businesses. These benefits attract positive weight, although I note that they would also apply to an alternative approved scheme to convert the building to 9 residential units.
26. The proposal would be acceptable in terms of four of the main issues. However, the harm identified in respect of parking means the scheme would not accord with the development plan when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to development plan policies.
27. Submitted information indicates the property contains bat roosts that would be at risk as a result of the proposal. There is a regulatory duty imposed on me to consider whether European Protected Species would be affected by the scheme and whether mitigation measures would address any harm. However, I need not consider this point further as the appeal has failed. A finding that the scheme would be acceptable in these regards would not affect my conclusions.

### **Conclusion**

28. For the reasons given above, I conclude that the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR