

Report of the Chief Executive

**17/00847/FUL  
 CHANGE OF USE FROM WAREHOUSE (CLASS B8) TO 9  
 BEDROOMED HOUSE IN MULTIPLE OCCUPATION, EXTERNAL  
 ALTERATIONS, RAISE RIDGE HEIGHT AND INSTALL ROOF LANTERN  
 29A IMPERIAL ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 1FN**

Councillor J C Patrick has requested this application be determined by the Committee.

1 Details of the Application

1.1 The application seeks planning permission to change the use of a warehouse to a House in Multiple Occupation (HMO). As part of the works it is proposed to raise the height of the roof from 5.9m to 6.5m and to install a roof lantern (to take the total height to 7.2m). The existing single storey lean-to to the side would be removed. Various alterations are also proposed to the existing window and door openings and it is proposed to install new windows within the side and rear elevations. The first floor windows in the side elevations will be obscurely glazed and non-opening. Solar panels are proposed on the roof. Internally there would be nine bedrooms and an open plan kitchen/ living room area. Two parking spaces are proposed to the front. During the course of the application amended plans were submitted providing further details of the parking spaces, increasing the number of non-opening windows and changing the external finish from render to brick.

2 Site and Surroundings

2.1 The existing building is primarily two storey with a small single storey lean-to element to the side. The building can be used as a warehouse or for storage (Class B8) although it is currently vacant. There are a number of windows and openings within the front (north east) elevation. There is also a disused doorway at first floor level in the side (north west) elevation. There are no other existing openings or windows. There is a small area of hardstanding to the front which provides space for parking. There is a 1.8m timber fence along the north west boundary and enclosing the rear of 31 and 31a Imperial Road and a brick wall, ranging in height from 1.5m to 2.4m, along the north west, south west and south east boundaries. The site is surrounded on all sides by residential development on Imperial Road, Newton Street and Collington Street.

Image 1: View from Imperial Road



Image 2: Front elevation



Image 3: Rear elevation



Image 4: Side (north west) elevation



### 3 Relevant planning history

- 3.1 An application (reference 16/00763/P3PPA) was submitted under Part 3 Class P of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class P allows for the change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) to a use falling within Class C3 (dwellinghouses). However, as the application also proposed external changes, which are not allowed under this process, the application was refused and it was stated that a full planning application would be required.
- 3.2 Planning permission was granted for the existing building in 1970 (reference 70/00128/FUL) which could be used as 'light industrial'. Planning permission was then granted in 1989 to use the building for storage and as a trade counter (89/00350/FUL). A condition was included which restricted business activity to between 8:00 and 18:00 Mondays to Fridays, 8:00 to 13:00 on Saturdays and at no times on Sundays or Bank Holidays.

### 4 Policy Context

#### 4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. The document outlines that the government's key housing objective is to increase significantly the delivery of new homes and states that there should be a wide choice of high quality homes within safe and accessible environments.
- 4.1.2 In relation to assessing the highway impacts of a proposal, paragraph 32 states that development should only be refused on transport grounds where the residual cumulative impacts are severe.
- 4.1.3 Section 7 of the National Planning Policy Framework (NPPF) outlines the importance of good design. Paragraph 58 states that planning decisions should aim to ensure that developments respond to local character and reflect the

identity of local surroundings and materials and are visually attractive as a result of good architecture and appropriate landscaping.

#### 4.2 **Broxtowe Aligned Core Strategy (2014)**

4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

4.2.2 Policy A 'Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 4 'Employment Provision and Economic Development' aims to manage existing employment sites for the full range of employment uses by: i) ensuring the allocations most attractive to the employment market remain available for employment uses; and ii) retaining good quality existing employment sites.

4.2.4 Policy 8 'Housing Size, Mix and Choice' states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. The policy also states that all residential developments should contain adequate internal living space. The appropriate mix of house size, type, tenure and density within housing development will be informed by the need to redress the housing mix within areas of concentration of student households and HMOs, the area character, site specific issues and design considerations and the existing or proposed accessibility of a location by walking, cycling and public transport. The supporting text makes specific reference to issues resulting from concentrations of HMOs within Nottingham City and states that a policy approach for considering planning applications for student accommodation and HMOs would be set out in part 2 of Nottingham City's Local Plan.

4.2.5 Policy 10 'Design and Enhancing Local Identity' states that development should be assessed in relation to its massing, scale, materials, design and impact on the amenity of nearby residents or occupiers.

4.2.6 'Policy 14: Managing Travel Demand' aims to reduce the need to travel by private car. It states that the priority should be to select sites which are already accessible by walking, cycling and public transport.

#### 4.3 **Saved Policies of the Broxtowe Local Plan (2004)**

4.3.1 The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. The relevant saved policies are as follows:

4.3.2 Policy E29 'Contaminated Land' states development of land which may be contaminated will not be permitted unless a site investigation (using a method agreed in writing with the Council) has been carried out; details of remedial measures have been approved by the local planning authority and the relevant consultation bodies; there will be no significant risk to the health and safety of

occupants of the development and there will be no contamination of any surface water, ground water or adjacent land.

- 4.3.3 Policy H7 'Land Not Allocated for Housing Purposes' states that residential development on sites within the existing built-up area will be permitted provided the amenity of existing and proposed occupiers is not adversely affected; the development would not result in an undesirable change in the character or appearance of the area; the development of a larger area is not prejudiced; satisfactory provision is made for access and parking; the site is not of significant nature conservation value and the site is not required to be retained for another purpose in the local plan.
- 4.3.4 Policy T11 'Guidance for Parking Provision' and appendix 4 to the Local Plan require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.

#### 4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the Council's Jobs and Economy Committee on 14 December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.
- 4.4.2 Policy 9 'Retention of good quality existing employment sites' seeks to retain good quality employment premises.
- 4.4.3 Policy 17 'Place-making, design and amenity' states that permission will be granted for development which meets a number of criteria (where relevant) including that it integrates into its surroundings; provides, or is close to, community facilities; has good access to public transport; creates a place with a locally inspired or otherwise distinctive character; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; and ensures satisfactory standards of amenity for existing and proposed residents.

#### 5 Consultations

- 5.1 Nottinghamshire County Council as Highways Authority requested two parking spaces to meet the requirement of one parking space per six bedroom spaces. Following the submission of an amended plan showing two parking spaces, the Highways Authority has no objection subject to a condition preventing gates being erected at the entrance to allow the cars to reverse into the car parking spaces and to not have to wait on the public highway.
- 5.2 The Council's Environmental Health Department states no objection but highlights that the site has had a long history of industrial uses. As the site has the potential to be contaminated, a condition is recommended requiring the submission of an investigative survey and for any remedial measures to be implemented prior to the building being occupied. It is also advised that the applicant contacts the

Council's Private Sector Housing Officer in relation to complying with HMO standards.

- 5.3 The Council's Waste and Recycling Department has recommended that the developer will need to purchase their own bins which would need to be put at the curtilage of the property for emptying.
- 5.4 19 properties either adjoining or directly opposite the site were consulted on the application and a site notice was displayed. All properties were subsequently re-consulted once amended plans were submitted. In respect of the original plans, 18 objections were received, two letters stating observations and one letter stating no objection. In respect of the amended plans, six objections were received.
- 5.5 The letters of objection raise the following issues and concerns:

#### **Loss of Amenity**

- The additional height will result in a loss of light. The development would be overbearing.
- There will be a loss of privacy from the additional windows.
- The roof lantern will emit light every night resulting in light pollution.
- There would be an increased sense of enclosure.
- There will be an increase in noise due to the number of residents.

#### **Parking and Access**

- There would be insufficient off-street parking and there are existing parking issues on Imperial Road. If the application is approved, residents should be required to only use the off-street parking spaces.
- There will be increased traffic.

#### **Other Issues**

- The building was previously given illegal planning permission to be two storeys high.
- There will be a negative impact on house prices.
- The transient nature of HMO residents has an impact on the appearance of properties and the character of the area.
- The building should be kept in employment use. There is demand from businesses to use the building but the value for residential is far greater.
- The development is too cramped.
- The amended plans fail to overcome previous objections.

- 5.6 The letters stating observations raise the following points:

- The proposal would be over-intensive development.
- There could be substantial noise and disturbance due to the proximity to neighbouring properties and the inclusion of bi-fold doors.
- There is limited space to the front of the building for parking and the existing parking issues will be made worse.

## 6 Appraisal

6.1 The main considerations relate to whether the principle of the change of use to a HMO would be acceptable, whether the change of use and external alterations would result in an unacceptable loss of amenity to neighbouring properties and whether there is sufficient parking provision to serve the development.

## 6.2 **Principle**

6.2.1 Objections received in respect of the application have raised specific concerns regarding the appropriateness of a HMO within this location and the impact that this use can have on the character of the area. One response also states that the building should be retained for employment use.

6.2.2 Whilst currently vacant, the building can be used for a storage and warehouse use (Use Class B8). Although it is noted that there does not appear to have been any issues related to the site when it was last in use, deliveries to and from the building and activities within the building could cause significant disturbance to surrounding residents, particularly due to the constrained nature of the site and the narrow access.

6.2.3 Policy 4 of the Aligned Core Strategy seeks to retain good quality existing employment sites. However, due to the constrained nature of the site and proximity to residential properties, it is considered that it would not be desirable to seek to retain the building for storage and warehouse use and a residential use would be a more appropriate use within this location. Weight is also given to the need to provide additional residential development within existing settlements.

6.2.4 Aligned Core Strategy Policy 8 'Housing Size, Mix and Choice' states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. It also states that the appropriate mix of house size, type, tenure and density within housing development will be informed by the need to redress the housing mix within areas of concentration of student households and HMOs. There are currently no licenced HMOs along Imperial Road although the Council has records of seven 'small' HMOs which do not require a licence or planning permission. It is considered that, based on this information, there is not an existing concentration of HMOs in this location and that the development would add to the housing mix in accordance with Policy 8. However, consideration must also be given to the potential impact the conversion to a HMO use would have on the occupiers of surrounding properties and whether the number of bedrooms would be considered to be an over intensive use of the building.

## 6.3 **Amenity**

6.3.1 Nine bedrooms would be provided within the HMO. A large open plan living room and kitchen area would also be provided on the ground floor and there would be a large atrium providing light to these areas and to the bedrooms. The bedrooms would have obscurely glazed external windows but would have an internal outlook towards the central atrium and would all have an en-suite bathroom. It is

considered that the bedrooms and living space are of an acceptable size and, due to the size of the building, the use would not be considered to be over intensive.

- 6.3.2 The potential for disturbance from a storage or warehouse use could be significant from vehicles arriving and leaving the building and activities within the building. This should be given consideration when considering if the proposed HMO use would result in an additional impact. The noise and activity generated from a HMO would differ from a storage or warehouse use, with noise primarily resulting from residents arriving and leaving the property and from internal noise emanating from open windows. However, noise and disturbance from a residential use is usually limited and would be similar to existing residential properties within the area. If an unacceptable level of disturbance did arise, for example from music played too loudly, this would be a matter which could be dealt with by the Council's Environmental Health Department. Therefore, taking into consideration the existing use, it is considered that noise and disturbance would not be to an extent which would justify refusing planning permission.
- 6.3.3 Objections have been raised that the additional windows will result in overlooking and a loss of privacy. The applicant has attempted to overcome these concerns by blocking up two windows in the front elevation which would face directly towards 31 and 31a Imperial Road and by obscurely glazing and fixing shut all windows in the side elevations at first floor level. In the rear elevation, two windows would be obscurely glazed and the central window would not provide direct views towards gardens due to the internal layout. There will still be a perception of being overlooked by neighbouring properties on Imperial Road, Collington Street and Newton Street due to the proximity of the building to the boundaries and as the windows would be inserted within elevations where there are currently no openings. However, the obscurely glazed windows would provide no views directly towards the neighbouring properties and conditions can ensure that they remain obscurely glazed and fixed shut for the lifetime of the development. Windows in the front elevation, which would be clearly glazed, will provide similar views to the existing windows and primarily face towards the parking area to the front. Based on the above, it is considered that the application would not be refusable due to an unacceptable loss of privacy occurring.
- 6.3.4 The height of the building would be raised as part of the proposed development from 5.9m to 6.5m. The lantern would also project above the top of the roof. The building is already in close proximity to neighbouring properties which results in some sense of enclosure. However, it is considered that an additional 60cm in the height of the main roof would not result in additional overshadowing or be overbearing to an extent which would result in an unacceptable loss of amenity occurring.
- 6.3.5 It is considered that light from the building and from the roof lantern would be similar to other residential properties and would be unlikely to give rise to unacceptable levels of light pollution.

## 6.4 **Parking**

- 6.4.1 Two off street parking spaces are shown on the plans. The Highways Authority has stated that this accords with their recommended parking provision of one

parking space per six bedroom spaces. The proximity to Beeston town centre and the tram is also noted. Letters of objection have raised concerns regarding the existing on-street parking problems and that the development will make this worse. However, consideration should also be given to the potential impact of employee parking if the building was brought back into a storage or warehouse use. Based on the comments of the Highways Authority and the aims of Policy 14 of the Core Strategy to reduce the need to travel by private car, it is considered that the parking arrangements would be acceptable and the development would not have an impact on highway safety. The Highways Authority recommends a condition stating that the gates at the entrance should be removed. However, many residential properties have gates at the entrance without causing highway safety issues and therefore it is considered that this condition would not be necessary. A neighbour response also requested that prospective residents should only be able to park off-street but this would not be enforceable with a planning condition.

## 6.5 Design

6.5.1 The proposed alterations would not result in a significant visual change to the building, although the new windows in the front elevation would provide a more modern appearance. The installation of solar panels will also provide sustainability benefits. It is considered that the proposed alterations accord with Policy 10 of the Core Strategy in respect of design.

## 6.6 Other Issues

6.6.1 The Council's Environmental Health Officer has recommended a condition requiring the submission of an investigative survey and for any remedial measures to be implemented prior to the building being occupied. Due to the historic industrial use of the site and as it would be used for residential purposes, it is considered that a condition would be necessary.

6.6.2 A note to applicant will highlight the need for the applicant to contact the Council's Waste and Recycling section to purchase bins.

6.6.3 The impact on house prices is not a material planning consideration.

6.6.4 Reference is made to an illegal planning permission for the original building. However, records from 1970 and referred to within the Planning History section show that planning permission was granted for the two storey building.

## 7 Conclusion

7.1 It is considered that there would be no policy justification or other planning consideration which would justify preventing the change of use to a HMO. There will be an increased perception of overlooking from the additional windows and it is clear that residents are concerned regarding the impact of the change of use and the other external changes. However, due to the existing relationship, it is considered that the development will not result in an additional impact which would constitute an unacceptable loss of amenity and would justify refusing planning permission. The parking provision accords with the required parking



standards and it is considered there would not be an unacceptable impact on highway safety.

### **Recommendation**

**The Committee is asked to RESOLVE that consent be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 6<sup>th</sup> December 2017 and drawing numbered CD17/12/02 c received by the Local Planning Authority on 20 April 2018.**
- 3. (a) No development shall commence until a site investigation scheme has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The scheme must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The scheme shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.**

**The building shall not be first occupied until:**

- i. All the necessary remedial measures for the building have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and**
  - ii. It has been certified to the satisfaction of the Local Planning Authority, through the submission of a verification report that the necessary remedial measures for the building have been implemented in full.**
- 4. The building shall not be first occupied until the parking spaces are provided and available for use in accordance with the drawing numbered CD17/12/02 c.**
  - 5. The first floor windows indicated as ‘Obscure Glazed’ on the drawing numbered CD17/12/02 c shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) before the respective bedrooms are first occupied and thereafter retained in this form for the lifetime of the development.**
  - 6. The first floor windows indicated as ‘Non Openable Window’ on the drawing numbered CD17/12/02 c shall remain non-opening for the lifetime of the development.**

7. The windows in the front (north east) elevation for bedroom 4 shall be blocked up prior to the respective bedroom being first occupied and shall be retained in this form for the lifetime of the development.

#### Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. The development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of public health and safety and in accordance with the aims of the Policy E29 of the Broxtowe Local Plan (2004).
4. In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
- 5, 6 & 7. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

#### Notes to Applicant

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by seeking amendments during the course of the application.
2. The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.
3. The applicant shall ensure that any works of conversion comply with the current building regulations and the British standards for fire safety, fire separation and noise insulation.
4. A House in Multiple Occupation must comply with the relevant licensing, fire safety and fitness for occupation standards under current legislation. The applicant is advised to contact the Council's Private Sector Housing Team for further information (0115 917 7777).
5. Best practicable means should be used during construction to ensure that disturbance is kept to a minimum. It is advised that contractors limit noisy works to between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and no noisy works on Sundays and bank holidays.

Background papers  
Application case file

