

Report of the Chief Executive

APPLICATION NUMBER:	20/00101/FUL
LOCATION:	42 - 48 Henry Road, Beeston, Nottinghamshire, NG9 2BE
PROPOSAL:	Convert existing ground floor garages and alterations to 2 no. first floor apartments to create 2 no. (4 bedroomed) C4 Apartments

1. Purpose of Report

Councillor P Lally has requested that the application is determined by the Planning Committee, due to concerns raised regarding loss of parking spaces.

2. Recommendation

The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

3. Detail

- 3.1. This application seeks planning permission to convert existing ground floor garages and alterations to two first floor apartments to create two (four bedroomed) Class C4 apartments.
- 3.2. The building is a 3-storey detached apartment block, housing four x two bed apartments to the first and second floor, with six garages to the ground floor. The roof is a side facing gable, with the second floor situated partially within the roof slope. The site is adjacent to a neighbouring apartment block of three storeys, having accommodation to all three floors (no integral garages). Within the site there is landscaping and a parking area which is shared with the neighbouring apartment block. To the rear (north) of the site there is a low rise industrial building accessed off Henry Road. The street is mainly characterised by housing of two-storey semi-detached and terraced dwellings with off street parking. There are similar sized apartment blocks to the north east, on Rushes Close.
- 3.3. It is considered that the main issues relate to whether the principle of the enlargement of the existing apartments is acceptable; whether there is adequate amenity for the future occupiers; whether there would be an acceptable impact on neighbour amenity; and whether there would be an acceptable impact on highway safety.
- 3.4. The benefits of the proposal are that it would contribute to the provision of a mixture of housing options and sizes within the Beeston area, would be in accordance with policies contained within the development plan and would have no significant impact on neighbour amenity or on highway safety. There are no significant negative impacts.

4. Data Protection Compliance Implications

- 4.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

5. Background Papers

- 5.1 There were no background papers.

APPENDIX

1 Details of the Application

- 1.1 The proposal is to convert the existing ground floor garages and alter the layout of the two first floor apartments to create two x 4 bedroomed) Class C4 apartments. This would result in the loss of the six existing garages. Access to the newly formed apartments would be to the front elevation, providing separate accesses to each. The second floor flats would be retained as existing, that is, as two x 2 bedroom apartments, and access would remain as per the existing arrangements.
- 1.2 The two apartments would be a mirror of each, with a front entrance and glazing replacing the garage doors, and new windows to the rear elevation at ground floor. The ground floor layout would provide a hall, leading to a lounge one side and a kitchen/ dining area to the other side, with two shower rooms. Stairs leading to the first floor where four bedrooms would be provided.

2 Site and Surroundings

- 2.1 The building is a 3 storey detached apartment block, it has a gable roof with two front glazed gable ends and a centrally located entrance with communal area and stairs leading to the upper floors. The building is formed of brown bricks, with the third floor and inset entrance having contrasting sandy bricks. There is a purple brick course above the garages and dark plain tiles on the roof. The site is located at the end of a cul-de-sac, with the access road and parking area being private. Accessing the site there is an open drive and either side there are low boundary walls and landscaping including 3 trees. There are no parking restrictions on Henry Road, with car parking possible along both sides of Henry Road. Properties along Henry Road are generally two-storey semi-detached and terraced houses, with many properties having off-road parking to the front. Within the same site is a neighbouring three storey block and to the rear of Henry Road, on Rushes Close, there are more three storey apartment blocks. Behind the site is a single storey industrial building currently occupied by Central Design Ceramics which is connected to a further single storey commercial building (Amores) which faces Station Road. The industrial unit is accessed at the end of Henry Road. The site currently has 8 surface parking spaces serving the two blocks, in addition to the 6 garages (the latter proposed to be removed as part of the application). The south east boundary has a 2.4m high brick wall, which forms the boundary to no. 34. This property has one first floor obscurely glazed window in the side elevation facing the site. Both the neighbouring block, in the wider site, and apartment blocks on Rushes Close have living accommodation to the ground floor. The neighbouring block has an open frontage and lawn.
- 2.2 The site is located in flood zones 2 and 3 and is also within the East Beeston Article 4 Area.

3 Relevant Planning History

- 3.1 Planning permission was granted for the two apartment blocks under reference 89/00218/FUL, with the description, '*construct 7 flats in two blocks with car parking*'. This included condition 2 '*the garages shall be used for the accommodation of private vehicles only and no trade or business shall be carried out therefrom*' and

condition 5 *'the garages, parking spaces and courtyard shown on the approved plans shall be provided before the buildings are occupied and shall thereafter be kept available for the parking and turning of vehicles at all times'*.

3.2 In relation to condition 2 (above), the condition does not restrict the conversion to a habitable space in its wording (which is used in a similar condition throughout that period in housing areas like Chilwell and Toton), and was likely put in place to protect the amenity of residents within the development and neighbouring residents in an area that has been transforming from light industrial to residential over the proceeding period. Therefore, the proposed conversion to provide internal amenity space on the ground floor as part of a HMO retains the residential nature of the building and site, and protects the development from a trade or business use.

3.3 In relation to condition 5 (above), as part of the proposal, parking and turning would continue to be available with the parking spaces and courtyard retained and it is considered that parking amenity will be adequately provided within this retained provision as covered in the access section below. Comments from Nottinghamshire County Council Highway Authority are expected and will be reported at committee.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, design and amenity

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes
- Section 12 – Achieving well-designed places.

4.4 **Beeston Article 4 Direction** – which revoked Permitted Development change of use from a C3 to a small HMO (Class C4). The Houses in Multiple Occupation (HMOs) SPD is at draft stage and therefore carries limited weight.

5 Consultation

- 5.1 **Council's Private Sector Housing Officer** – no objections on the proposal, the two HMO's look to have adequate sized rooms. In relation to the existing second floor flats, bedroom two is too small to be suitable for an adult let, if one person or a couple renting these flats this would be fine as could be used as a store or study (it should be noted that the layout of the second floor is not changing as part of this proposal).
- 5.2 **Council's Waste and Recycling Officer** - advisory comments regarding provision of bins.
- 5.3 **Council's Environmental Health Officer** – no objections, subject to notes to applicant in relation to contractors limiting noisy works to certain times and burning of commercial waste.
- 5.4 **Environment Agency** – To meet the National Planning Policy Framework requirements in relation to flood risk, require the development to include a condition in relation to flooding mitigation, and include flood information as a note to applicant.
- 5.5 **Nottinghamshire County Council Highways** – Waiting comments, which will be reported at committee.
- 5.6 Six neighbours were consulted on this application and a site notice posted, with 2 responses received both objecting to the proposal. The reasons for objections can be summarised as follows:
- Proliferation of HMO's in the immediate area.
 - Increase in parking and traffic generation.
 - Non-compliance with national and local policy in respect of HMO in residential area.
 - Large rise in cost of rent compared to rent of family homes.
 - Noise generated by the construction / works.
 - Lack of communication from the landlord / developer regarding proposals.
 - Lost council tax revenue, should the properties be occupied by students.

6 Assessment

- 6.1 The main issues for consideration are
- 6.2 P2LP (2019): Policy A: Presumption in favour of sustainable Development - the Council will work proactively with applicants to secure sustainable development. Policy 1 states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included. Policy 15 states that proposals should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the borough are met. Policy 17

requires new development to integrate into its surroundings and requires new development to provide a satisfactory degree of amenity for the occupiers of both the proposed and existing properties.

ACS (2014): Policy 1 Climate Change states that all development proposals will be expected to mitigate against and adapt to climate change, to comply with national and contribute to local targets on reducing carbon emissions and energy use unless it can be demonstrated that compliance with the policy is not viable or feasible. Policy 8 states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes, and will be informed by various factors including the need to redress the housing mix within areas of concentration of student households and Houses in Multiple Occupation. Policy 10 requires all new development to make a positive contribution to the public realm and sense of space, and to reinforce local characteristics, and that development will be assessed on a range of elements including the structure, texture and grain, including orientation and positioning of buildings and requires new development to provide a satisfactory degree of amenity for the occupiers of both the proposed and existing properties.

Article 4 revokes a change of use from C3 dwellinghouse to C4 small HMO within the East Beeston area.

The site is within an established residential area and as such the principle of a residential use is considered to be acceptable, subject to consideration of design, residential amenity (both for the occupiers and neighbours) and parking. The proposal seeks to provide two further bedrooms within two separate properties, with both dwellings becoming Class C4 use. The properties would be suitable for occupation by a range of tenancies and the existing apartments have a second bedroom which has been noted by Private Sector housing as being too small for current standards, and therefore it is unlikely to be attractive to a family, as such the enlargement and use as a C4 would be acceptable as it would not result in the loss of a quality C3 use. The proposal would therefore accord with the aims of Policy 8 of the Aligned Core Strategy, and Policy 15 of the Part 2 Local Plan.

6.3 House in Multiple Occupation

- 6.3.1 This development would result in an increase in shared accommodation within Beeston. As the site is in close proximity to Nottingham University, it is considered that providing more purpose built student accommodation within Beeston would reduce the demand on more traditional housing within Henry Road and the wider area covered by the Article 4 Direction being converted to HMO Class C4 accommodation.
- 6.3.2 The SPD aims to ensure that the demand for HMO accommodation can be met across the Article 4 Area in a way that does not lead to adverse impacts on the character of the area through a saturation of a single type of home, though this is currently at draft level and therefore carries limited weight. The data available shows there are no known HMO's on Henry Road, or to Rushes Close (to the rear), though there are clusters nearby on Station Road and Queens Road East though as the site is at the end of a cul-de-sac these properties do not readily neighbour the site. Private Sector Housing have commented that the two HMO's would

provide adequate room sizes. In relation to sound reduction, the building is already built, but the conversion would be covered by Building Regulations which would ensure adequate soundproofing between the floors and to the windows. Safe and convenient access is as existing, whilst cycle storage could be provided within the existing block. As a purpose built site, bin storage and waste would be provided for as per the existing arrangement.

- 6.3.3 As a purpose built block it is considered that the proposal lends itself well to conversion and use as a HMO, would provide suitable living accommodation and whilst limited, help reduce demand for conversion of neighbouring properties to HMO's and therefore accord with Policy 8 by protecting family homes. Due to the proposal being away from other known HMO's it is considered that no cluster would be added to nor would the proposal result in a proliferation of HMOs in the immediate surroundings. Therefore, the HMO element of the proposal is considered acceptable.

6.4 Design

- 6.4.1 In terms of mass and scale, it is considered that the change of use does not represent a disproportionate addition as the building would not be extended beyond its existing footprint and would provide an increase in accommodation, without an increase in built form.
- 6.4.2 The design is considered acceptable as the additional fenestration to the front and rear elevations would reflect the existing design of the building.
- 6.4.3 The physical alterations would be limited to the replacement of garages doors with windows and doors of the same size, and the insertion of windows replacing brick on the rear elevation. The use of these materials is considered acceptable and would not require a condition to secure details of materials.
- 6.4.4 On the street, the view of the block would be of windows and doors instead of garages doors, therefore it is considered to have no significant impact on the street scene.
- 6.4.5 Overall it is considered that the proposal would have no significant impact in terms of design.

6.5 Amenity

- 6.5.1 As the proposal is for a change of use, with conversion of garages to a habitable space, it is considered that it would have no significant impact on neighbouring properties in terms of loss of light, outlook or privacy as there would be no increase to the built form, and additional fenestration would be limited to the ground floor facing the car park and to the rear, an industrial building. It is considered that the proposal would provide an increase in natural surveillance, which would be a positive impact on security and the feeling of safety at the end of this cul-de-sac.
- 6.5.2 As the flats would be retained on the second floor, with the addition of two bedrooms below there may be some additional impact but this would be offset by

communal facilities moving to the ground floor, therefore the change would be considered neutral.

- 6.5.3 In terms of amenity for the future occupiers, the proposal would provide suitable bedroom sizes to the first floor and communal facilities to the ground floor, with suitable levels of light and outlook. Therefore, it is considered that the proposal would provide an acceptable level of amenity for future occupiers.

6.6 Access

- 6.6.1 Beeston town centre, the university and railway station are within walking distance of the proposal. The site is well served by tram and bus services, therefore whilst there would be the loss of six garage spaces, more sustainable modes of transport would be available, reducing the need for reliance on the private car, and within the site 8 parking spaces will be retained which is considered to be an acceptable level of parking to serve the two apartment blocks. Therefore, as the proposal is for 4 additional bedrooms overall, which would be similar to a proposal for a new dwelling or other likely extensions along Henry Road, it is considered that there would be no significant impact to current parking provision and that adequate private parking is provided within the site.

- 6.6.2 In relation to assessing the highway impacts of a proposal, paragraph 111 of the NPPF states that development should only be refused highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.6.3 The site lies within an existing urban location within a reasonable proximity to Beeston Town Centre. Whilst it is acknowledged there could be some increase in on-street parking as a result of this development, it is considered this would not pose a highway safety risk. Car parking spaces have been provided to serve the two apartment blocks. Therefore, it is considered that the parking arrangement is acceptable for this site and would not warrant refusal.

6.7 Flood Risk

- 6.7.1. The site is located within Flood Zone 2 and 3. A dwelling house within this flood zone allocation would be classified as more vulnerable and is considered to be an appropriate form of development in these flood zones. There are no bedrooms proposed on the ground floor level of accommodation, which would be considered a risk to life should flooding occur when occupants are asleep, and the first floor provides access to a safe space whilst occupants await rescue or for any flooding to subside. Information should be provided to the developers / occupants on surface water management, access and evacuation and floor levels. The site is for a change of use and therefore does not require a sequential test. A Flood Risk Assessment has been submitted which assesses surface water management around the site (with no surface water shown on the site), the upper floors would act as a safe refuge from flooding with all sleeping accommodation remaining on the upper floors of the building.

- 6.7.2. In terms of flood mitigation methods, the supporting documentation concludes that ground floor level will be 27.20 AOD, with water resistant ground floor doors to

27.80m AOD. Making the development flood resilience to 27.80m AOD, with no ground floor sleeping, a safe refuge and a flood emergency plan. The Environment Agency have stated to meet the National Planning Policy Framework requirements in relation to flood risk, it is required that the development complies with a recommended condition in relation to flooding mitigation, and include flood information as a note to applicant within any decision. To conclude, it is considered that the issues of flood risk have been appropriately addressed.

6.8 Other Matters

- 6.8.1 Economic benefit, lack of need - financial gain is not a material planning consideration, but there is a need for a variety of housing in the Beeston area including HMO's.
- 6.8.2 Lack of notification / communication from the developers. There is no validation requirement for the developers to submit a statement of community involvement for this scale of development. The Local Planning Authority have complied with the statutory requirements in respect of neighbour notifications.
- 6.8.3 Lost council tax revenue – financial receipts are not a material planning consideration.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would contribute to the provision of a mixture of housing options and sizes within the Beeston area and would reduce the demand on traditional housing (albeit at a small level), would be in accordance with policies contained within the development plan, are acceptable in terms of flood risk and have no significant impact on neighbour amenity or on highway safety. There are no significant negative impacts, and therefore the scheme is considered acceptable.

8 Conclusion

- 8.1 Overall, it is considered that the proposal is acceptable and that planning permission should be granted.

Recommendation

The Committee is asked to RESOLVE that planning permission 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. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawing numbers 003

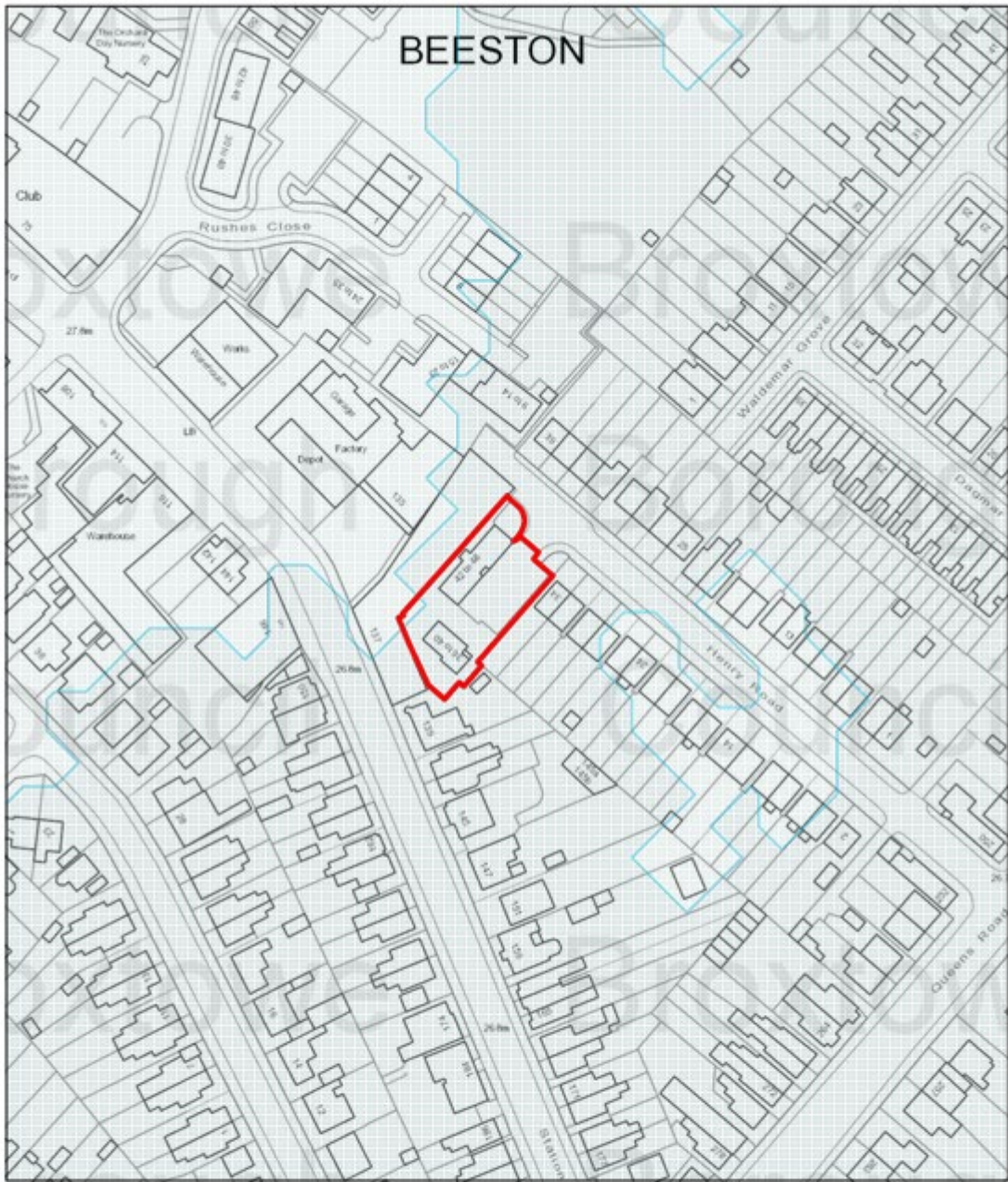
	<p>Rev C and 004 Rev D by the Local Planning Authority on 11 March 2022.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (ref. RLC/0937/FRA01, issued on 4/2/22) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 27.20m above Ordnance Datum • No sleeping accommodation to be provided on the ground floor • Flood resistance measures shall be implemented so that the development is resistant up to a height of 27.80mAOD (i.e., flood doors, backwater and non-return valves, and raised electrical fittings) <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><i>Reason: To reduce the risk of flooding to the proposed development and future occupants and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	Due to the proximity of the site to residential properties it is recommended that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.
3.	Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.

4.	<ul style="list-style-type: none"> • Developer to purchase the first time provision of bins. Notice served in due course. • It is assumed the site already has existing waste collection provision on site for the existing flats so these comments relate to the additional capacity needed • Each new apartment studio would be allocated the following (not single person): <ul style="list-style-type: none"> 1 x 240 litre bin for residual waste 1 x 240 litre bin for recycling waste 1 x 37 litre bag for glass • The size of a 240 litre bin is 1074mm (h) x 580mm (w) x 734mm (d) • It is assumed that the bins would be stored on site • Bins would need to be put out for collection at the edge of the adopted highway for emptying (Henry Road) • Crews will not enter the site to collect and return bins to the storage point <p>For more information please email recycling@broxtowe.gov.uk</p>
5.	<p>The Environment Agency strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in: Government guidance on flood resilient construction https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings</p> <p>CIRIA Code of Practice for property flood resilience https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx</p> <p>British Standard 85500 – Flood resistant and resilient construction https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686</p>
6.	<p>–The Environment Agency advise: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also</p>

	<p>save lives and enable the emergency services to prepare and help communities.</p> <p>For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-for-flooding.</p> <p>To get help during a flood, visit https://www.gov.uk/help-during-flood.</p> <p>For advice on what do after a flood, visit https://www.gov.uk/after-flood.</p>
--	--

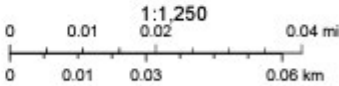
Site Map

42-48 Henry Rd, Beeston



5/11/2022, 4:18:05 PM

-  Flood Zone 2
-  Flood Zone 3
-  Site



© Crown copyright and database rights 2021. Ordnance Survey 100019463.
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form

Photographs



Access from Queens Road to Henry Street (facing north east), looking toward site at the end of cul-de-sac.



Site access off Henry Road.



Front south east elevation.



Access to site off Henry Road.



Car parking area and view back towards Henry Road.



South east boundary to 34 Henry Road.



Neighbouring block to south west.



View from neighbouring block.



Rear north west elevation and boundary with industrial unit.



Rear north west elevation and boundary with industrial unit.



Block to rear of Henry Road, on Rushes Close.



Henry Road, view from site access facing south east.

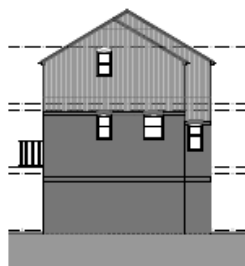
Plans (not to scale)



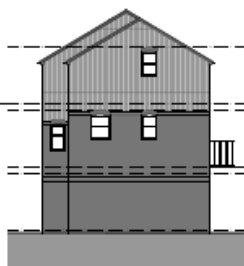
Existing Front Elevation



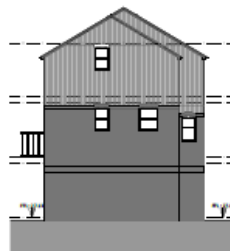
Proposed Front Elevation



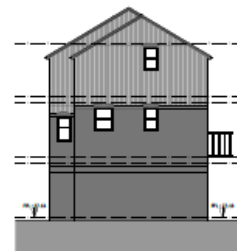
Existing Side Elevation



Existing Side Elevation



Proposed Side Elevation



Proposed Side Elevation

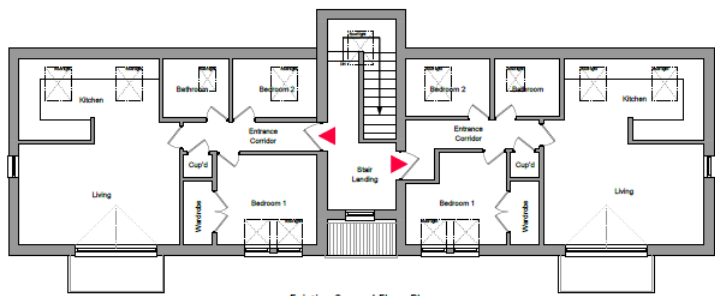


Existing Rear Elevation

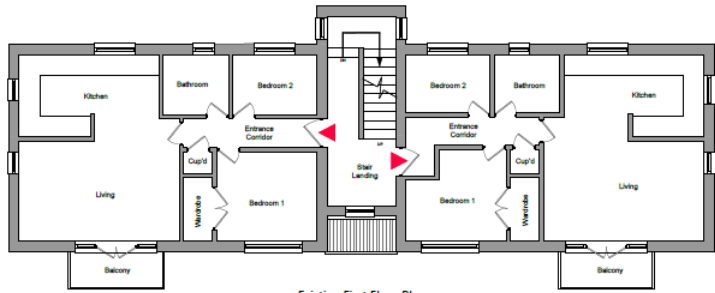


Proposed Rear Elevation

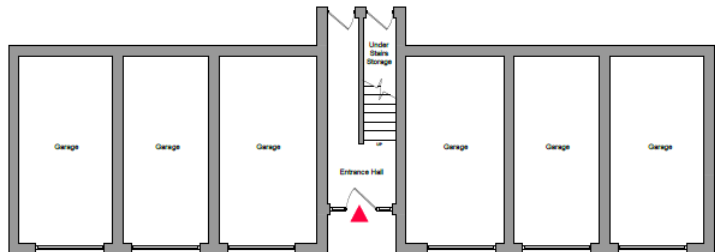
Existing and Proposed Elevations



Existing Second Floor Plan



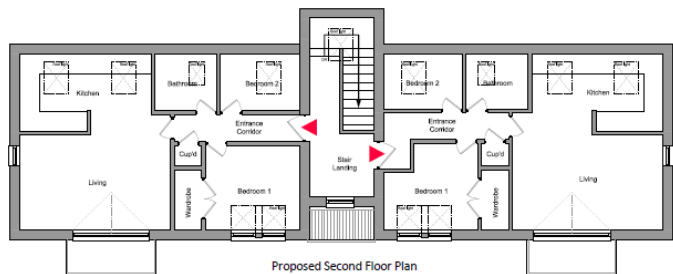
Existing First Floor Plan



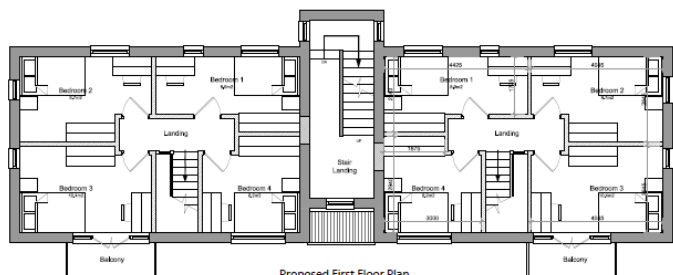
Existing Ground Floor Plan

Notes

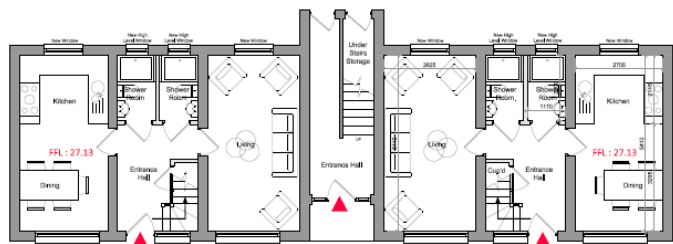
Existing & Proposed Floor Plans



Proposed Second Floor Plan



Proposed First Floor Plan



Proposed Ground Floor Plan



Proposed Site Location Plan 1:1250



Site and Block Plans