

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>22/00442/FUL</b>
<b>LOCATION:</b>	<b>194, 196 and 198 Station Road Beeston NG9 2AY</b>
<b>PROPOSAL:</b>	<b>Retain change of use from four separate dwellinghouses (C3) (two flats at 194, numbers 196 and 198) to a residential institution (C2)</b>

1. Purpose of the Report

The application is brought to the Committee at the request of Councillor P Lally and Councillor L A Lally.

2. Recommendation

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

3. Executive Summary

3.1 The application seeks planning permission to retain the change of use of numbers 194, 196 and 198 Station Road to a residential care home.

3.2 The site currently comprises of three semi-detached two storey dwellings, one of them being converted into two flats (no.194 Station Road).

3.3 The main issues relate to whether the principle of the change of use would be acceptable and whether there will be an unacceptable impact on neighbour amenity.

3.4 The benefits of the proposal are the retention of the building as a residential use, and the provision of targeted accommodation to the benefit of the existing care home residents and compliance with policies contained within the development plan. There would be the potential for an impact on neighbour amenity but this is outweighed by the benefits of the scheme.

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

4. Financial Implications

4.1 There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5 Legal Implications

5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Protection Compliance Implications

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

7. Background Papers

7.1 None submitted

## APPENDIX

8. Details of the Application

- 8.1 The application seeks to change the use of nos.194 (two flats), 196 and 198 Station Road from residential (Class C3) to a 12 bedrooms residential care home (Class C2). The type of care will be the provision of care for younger adults with mental health conditions and learning difficulties with regular staff working at the property providing 24-hour cover, 365 days per year.
- 8.2 194 Station Road would be used a semi-independent living units for the use of residents of the care home, in an assisted living environment, in the form of two apartments, to be operated in associated with the use of 196 and 198 Station Road.
- 8.3 During the determination of the application, the site plan was amended to include 194 Station Road within the application site.

9. Site and surroundings

- 9.1 196 and 198 Station Road are a pair of two storey semi-detached properties with a small front paved area enclosed by a low wall. 194 Station Road has an open frontage. Access to the rear is via a path to the south east side of the property and through a side gate located between 196 and 194 Station Road.
- 9.2 To the north of the application site, adjoining 194 Station Road, are Flats 1 and 2 192 Station Road, a two storey property.
- 9.3 To the south east is located an apartment block, currently under construction.
- 9.4 Directly behind the site, to the south west are located nos. 4 and 6 Waverley Avenue, detached two storey dwellings.
- 9.5 Opposite the site, at the junction of Station Road and Queens Road, there are advertisement hoardings enclosing a single storey building/garage behind.
- 9.6 There are a mix of uses in the surrounding area, including retail units facing Queens Road and residential uses; further north west along Station Road there is a restaurant, a take away and other commercial uses.

10. Relevant Planning History

- 10.1 Planning permission was granted in 2001 (01/00593/FUL) for a change of use from tattoo shop to residential at 196 Station Road.
- 10.2 Planning permission was granted in 2018 (18/00467/FUL) to construct a single storey rear extension at ground floor flat 194 Station Road.

11. Relevant Policies and Guidance**11.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

**11.2 Part 2 Local Plan 2019:**

11.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

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

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

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 8 – Promoting healthy and safe communities
- Section 12 – Achieving well-designed places

12. Consultations

12.1 **Council’s Private Housing Officer:**

Advises that there is no difference between the existing and proposed plans. As a HMO, this property will require a mandatory HMO. Requests to provide a copy of Broxtowe HMO property Standards to the owner. Clarification required in regard to:

- Room sizes in m<sup>2</sup>
- FD30 fire doors labels
- Heat detector/ fire alarm locations labels
- 1<sup>st</sup> floor rear en-suites have no doors labelled
- Kitchen amenities
- Confirmation that the only access between 196 and 198 is via an open entranceway at ground floor level between the kitchen and dining rooms.

12.2 **Council’s Environmental Health Officer:**

Recommends a Note to Applicant to advise that noise separation measures between non-related units should be installed. Advises that Anti-social behaviour can only be managed by the site’s operator, it could also be addressed by EH’s ASB Team and appropriate multi agency panels if the issue is referred. Would suggest that the change of use should not be applied to no.194 as it is a semi-detached dwelling and to reduce the potential of operational noise affecting the occupiers at no.192 Station Road, however, operational noise may still impact other neighbouring residents.

12.3 Four properties either adjoining or opposite the site were consulted. Two objections were received, on the following grounds:

- Concerns regarding amenity of neighbouring residents in respect of parking
- anti-social behaviour, noise issues at any time

- Whilst acknowledging the important work the facility is doing, it is important to ensure that this does not have a detrimental impact on neighbouring properties
- Suggest the implementation of measures to avoid detrimental impact on neighbours' amenity.

12.4 The site location plan has been amended to include 194 Station Road, a re-consultation has taken place with no further objections.

### 13. Assessment

13.1 The main issues for consideration are the principle of the change of use and whether the proposal would have an impact on neighbour amenity.

#### **13.2 Principle**

13.2.1 The proposed use of the buildings is considered to retain the residential nature of a dwelling and as such, subject to matters outlined below, is considered to be acceptable in principle.

#### **13.3 Amenity**

13.3.1 Policy 17 of the Part 2 Local Plan states that permission will be granted for development which integrates into its surroundings, provides convenient access and ensures a satisfactory degree of amenity for occupiers of new development and neighbouring properties.

13.3.2 The application does not propose any external changes to the dwellings but to change the use from C3 to C2, therefore there would not be any issue with loss of light or overlooking.

13.3.3 It is clear from the representations received there are significant concerns regarding the potential loss of amenity, noise and parking issues.

13.3.4 Concerns have been raised about noise and disturbance to the neighbours. Although the site has capacity for a maximum of 12 users, the site is comprised of three properties; one of them has been converted into two flats. Nos. 196 and 198 have capacity for four occupants each and staff members on a 24-hour rota. 192 Station Road flats have capacity for two occupants each. All dwellings have the appearance of a traditional house with enclosed rear garden.

13.3.5 In regard to the use, the nature of the use as a residential care home for up to 4 persons per house (196 and 198 Station Road) and up to 2 persons per flat (194 Station Road), would not significantly differ compared to the use of a dwelling house, where it may be expected for a family including people of this age to reside, and as such it is considered, subject to the provision of a management plan condition, that there would not be any significant impact in terms of increase of noise and disturbance for the occupiers of neighbouring dwellings sufficient to warrant a refusal.

### 13.4 Access

13.4.1 The dwellings do not offer off road parking. However, none of the residents have access to a vehicle. The change of use from dwellings to a care home would not generate any additional demand for on street parking over and above the current use. It is also noted that as the site is located on a well-served public transport route, staff and visitors have the option to use this sustainable means of transport rather than private vehicles. As such, it is considered that the proposed use would not result in a significant detriment to highway safety or result in inconvenience to local residents in terms of parking.

### 13.5 Other Matters

13.5.1 The issue of the current use and applying retrospectively has been raised by an objector. It should be noted the Local Planning Authority cannot penalise applicants/agent for applying retrospectively. Furthermore, the owner of the premises was under the impression that the current use of the dwellings would fall under Class C3b (no more than six residents living together as a single household where care is provided for residents) which would not require formal planning permission, therefore being permitted development.

## 14. Planning Balance

14.1 The benefits of the proposal are that it would regularise a change that requires planning permission, the care home would enable more targeted service provision to the benefit of the users of the facility to the benefit of the wider community, and would enable the retention of a residential use, which could be converted back to a dwelling should there be a demand in the future, without recourse to major alterations.

14.2 The negative impact is the noise issues arising from the use, however, subject to the implementation of noise mitigation measures within the Management Plan (which will be conditioned), it is not considered sufficient to outweigh the positives.

14.3 On balance, it is considered that, for the reasons above, the negative impact would not outweigh the benefits of the proposed development and that planning permission should be granted.

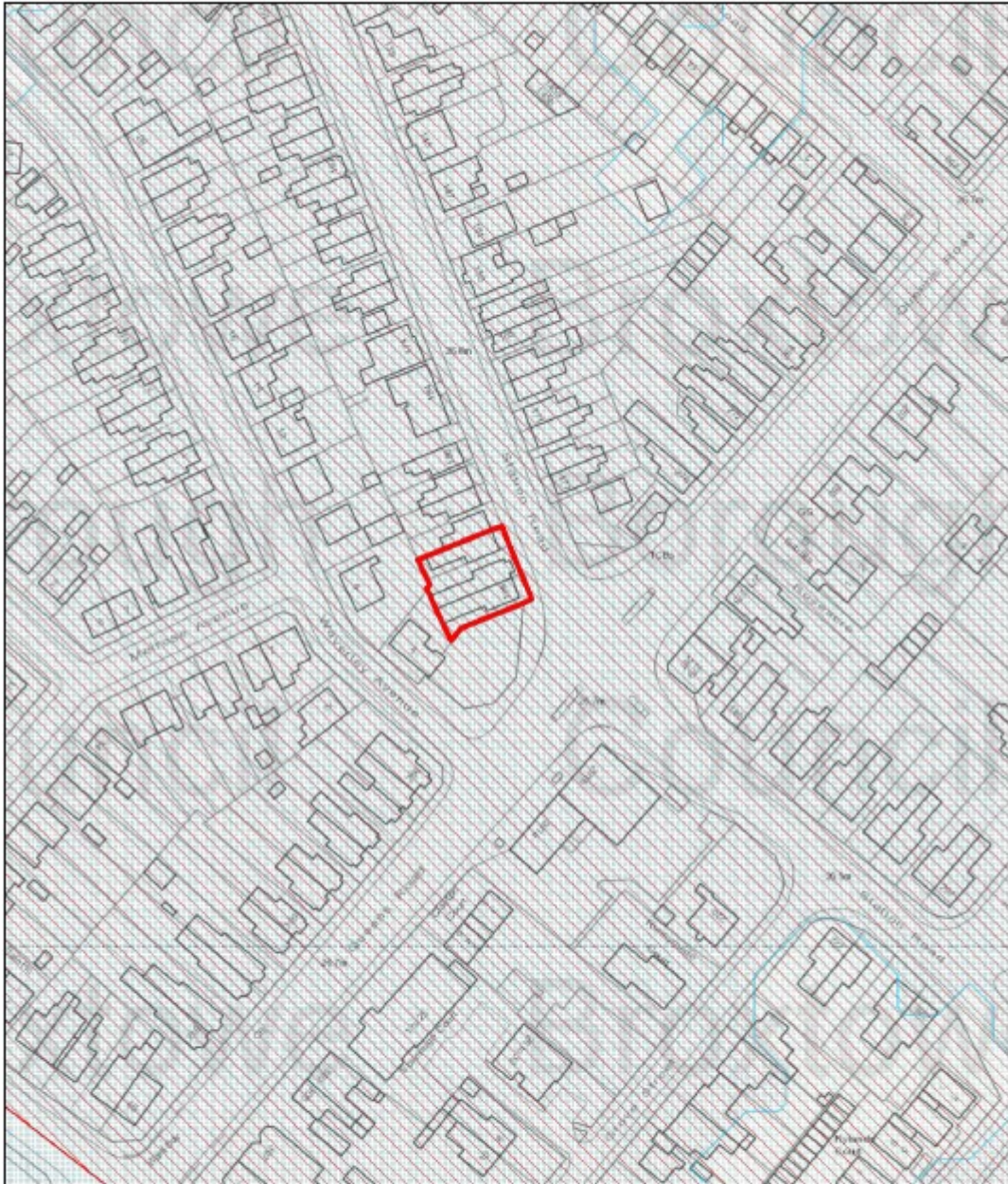
## 15. Conclusion

15.1 Grant planning permission subject to conditions. The proposal is in accordance with the aims of Policies A, 2, 8 and 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 15 and 17 of the Broxtowe Part 2 Local Plan (2019).





<b><u>Recommendation</u></b>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development hereby permitted shall be retained in accordance with drawing 3588/01B received by the Local Planning Authority on 17 November 2022.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
2.	<p>Within 6 months of this decision, a Resident Management Plan (RMP) shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall thereafter be carried out in accordance with the approved RMP, for the lifetime of the use. For the avoidance of doubt, the RMP shall include the following:</p> <ul style="list-style-type: none"> <li>i) Details of on-site staffing, including a dedicated property manager during normal office hours supported by designated wardens who will stay at the premises and will deal with any emergencies or incidents outside office hours including night time supervision;</li> <li>ii) Details of how the property manager and wardens will liaise with local residents (primarily but not exclusively in Station Road, and Waverley Avenue) throughout the year and how residents can make contact in the event of any disturbance, emergencies or any other management issues;</li> <li>iii) The proposed management of servicing and deliveries;</li> <li>iv) Details of noise management including measures to ensure that noise disturbance to neighbouring residential properties is minimised.</li> </ul> <p><i>Reason: To protect the amenities of neighbouring residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
NOTES TO APPLICANT	
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>The applicant should ensure that sound insulation to limit the transmission of noise between properties is installed and achieves the minimum requirements as contained in the current version of British Standard Approved Document E.</p>

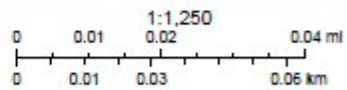
**Site Map**

22/00442/FUL 194, 196 and 198 Station Road, Beeston NG9 2AY



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-  Article 4 Direction
-  Site
-  Flood Zone 2
-  Flood Zone 3



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Photographs



Front elevations



194 Station Road rear/side elevations



Relationship between 194 and 196



196 rear/side elevations

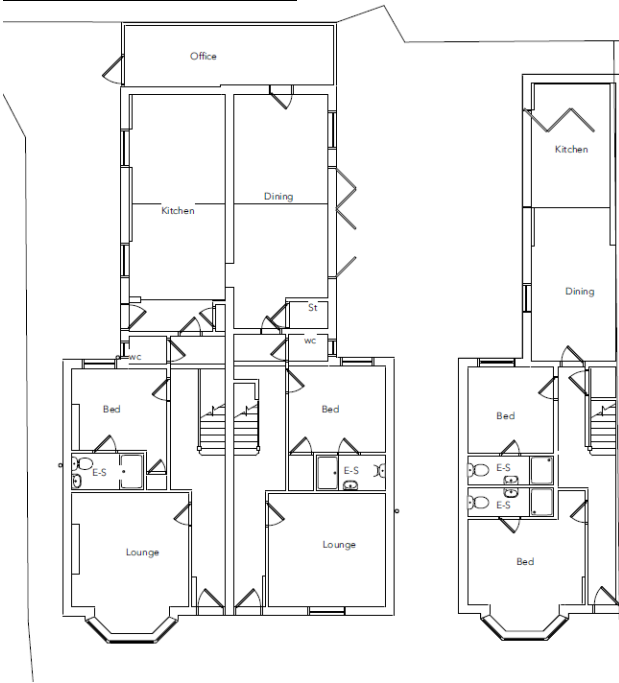


Relationship with no.6 Waverley Av.



Relationship with no.4 Waverley Av.

**Plans (not to scale)**



Proposed and existing ground floor layout



Proposed and existing first floor layout



Block Plan