

Report of the Chief Executive

APPLICATION NUMBER:	22/00301/FUL
LOCATION:	31 Humber Road Beeston Nottingham NG9 2EJ
PROPOSAL:	Change of use from hot food takeaway and self-contained flat to larger house in multiple occupation (sui generis). Construction of single storey extensions to front and rear and external alterations to ground floor front, side and rear elevations.

Councillor L Lally has requested this application to be determined by Committee

1.1 Purpose of Report

The application seeks full planning permission for the change of use from hot food takeaway and self-contained flat to form a larger house in multiple occupation (sui generis), including single storey front and rear extensions and external alterations.

1.2 Recommendation

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

1.3 Detail

- 1.3.1 This application seeks full planning permission to change the use of the building from a hot food takeaway and self-contained flat to a larger seven bed roomed house in multiple occupation (HMO) (sui generis) along with the construction of single storey extensions to the front and rear and external alterations to ground floor front, side and rear elevations.
- 1.3.2 The original plans submitted with the planning application proposed the provision of an eight bed roomed house in multiple occupation (HMO). Given concerns raised by the Private Sector Housing Officer in respect of room sizes, amended plans have been submitted to reduce the number of rooms from eight to seven.
- 1.3.3 The main issues relate to whether the principle of the change of use from a hot food takeaway (Sui Generis) to a seven bed roomed HMO (Sui Generis) would be acceptable, if there is an acceptable level of amenity for occupiers and existing neighbours and impacts on parking.
- 1.3.4 The benefits of the proposal are that it would provide additional space in an existing house which will contribute to the mix of housing in the area. Although there will be some impact on neighbour amenity and parking, it is considered this will not be detrimental. The change of use would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. On balance, the scheme is acceptable and should be approved.

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

1.4 Financial Implications

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.

1.5 Legal Implications

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.

1.6 Data Protection Compliance Implications

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

1.7 Background Papers

Nil.

APPENDIX

1. Details of the Application

- 1.1 This application seeks full planning permission to change the use of the building from a hot food takeaway and self-contained flat to larger seven bed roomed house in multiple occupation (sui generis) along with the construction of single storey extensions to front and rear and external alterations to ground floor front, side and rear elevations.
- 1.2 The internal layout of the building will consist of three small bedrooms and one large bedroom on the ground floor along with a kitchen/dining area, sitting area, and shower room on the ground floor and two large and one small bedrooms and shower on the first floor.
- 1.3 A variety of external alterations are proposed including the provision of a single storey extension to the front and rear.

2. Site and Surroundings

- 2.1 The application site is located on a corner plot and consists of a semi-detached property with a hipped roof, which is extended to the rear in the form of a flat roof ground floor extension. The property consists of red brick at ground floor level and a cream render finish at first floor level. The internal configuration consists of a hot food takeaway at ground floor with a self-contained flat at first floor.

3. Relevant Planning History

- 3.1 Planning permission was granted under reference number 86/00734/FUL to construct an extension to a shop.
- 3.2 Planning permission was granted under reference number 94/00092/FUL to construct a front and side extension.
- 3.3 Planning permission was granted under reference number 08/00049/FUL to retain a refrigeration compressor to the rear of the property.

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 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 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 12 – Achieving Well-designed Places

5. Consultations

5.1 **Cadent Gas** – No objections.

5.2 **Private Sector Housing Officer**

First Consultation – Advised the property if allowed will require a mandatory HMO licence. Also advised that some of the room sizes were below the requirements set out within the Broxtowe HMO property standards.

Second Consultation – Advise the bedrooms all meet the property standards now for the size with the reduction down to 7 and all rooms are noted to have escape windows. A HMO licence will still be required.

5.3 10 neighbouring properties were consulted on the application along with the posting of a site notice, with three letters of objection having been received raising concerns in respect of:

- To many HMO's in the locality;
- Lack of parking;
- The site being within the Article 4 area;
- Over development of the site.

6. Assessment

6.1 The main issues relate to whether the principle of the change of use from a hot food takeaway (Sui Generis) to an eight bedroomed HMO (Sui Generis) would be acceptable, if there is an acceptable level of amenity for occupiers and existing neighbours and impacts on parking.

6.2 **Principle**

6.2.1 Policy 8 of the Broxtowe Aligned Core Strategy requires 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. Residential developments should also contain adequate internal living space. Policy 15 of the Broxtowe Part 2 Local Plan seeks to ensure that residential

developments provide a mix of housing to ensure that the needs of the residents of all parts of the borough, and all age groups, are met. It is considered that the creation of a seven-bedroom HMO would contribute to providing a mix of housing types, and is in a highly sustainable location.

- 6.2.2 The property is located within a residential area with a mix of different housing tenures comprising flats, family homes, houses in multiple occupancy. The site is located within walking distance of Beeston town centre which provides access to regular bus and tram links. The site is within an urban, sustainable location with access to regular transport links and provides additional space in a property.
- 6.2.3 It is acknowledged that a number of properties in the area have been changed into houses in multiple occupancy and the Article 4 Direction is in place to remove permitted development for houses (Class C3) to convert to C4 use of between three to six unrelated residents living together without the need to apply for a change of use. However, this is not a family dwelling and there are no policies or Article 4 Directions that currently restrict this change of use to a larger House in Multiple Occupation (Sui Generis use) and given the location being within walking distance to Beeston town centre and to Nottingham University, it is considered the principle of the change of use is acceptable. Furthermore, there are still a large number of properties in the surrounding area that are occupied by families.
- 6.2.4 To conclude, this development would add to the housing mix and it is considered that the character of the area would not be harmed given the proximity to Beeston town centre, the property's previous commercial use and there being a large number of family homes still occupying the surrounding area. The site is within walking distance of Beeston town centre which reduces the reliance on private car ownership. The principle of the development is therefore considered to be acceptable.

6.3 Design and Visual Amenity

- 6.3.1 Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.
- 6.3.2 To the front of the property a small extension is proposed to create an entrance lobby which will be served by a door with the roof extending across from the existing front extension. The existing shop front serving the chip shop will be removed along with the entrance door with two new windows being inserted to the front and one to the side to serve bedrooms 1, 2 and 3. To the rear there is currently a L shaped flat roof extension. The application proposes the provision of a flat roof extension which will be in line with the rear elevation and also the side elevation.
- 6.3.3 Information provided on the submitted application form and plans indicates the use of matching materials. Given the prominent location of the property it is considered a condition is required for the submission of materials to be approved.

6.3.4 The proposal is not considered to have any significant detrimental impact upon the character of the street scene or visual amenity of the area.

6.4 Residential Amenity

6.4.1 The property that will be mostly affected by the change of use is number 6 Fletcher Road. Along the boundary of the application site and the neighbouring property there is an existing 1.8m high close boarded timber fence. The proposed rear extension will be sited 1.1m from the boundary and will have an overall height to the flat roof of 2.7m, with utility door and bedroom window facing onto the fence. Within the side elevation of the immediate neighbouring property there are two small low level obscurely glazed windows. It is considered that the proposal will not have any significant impact on the amenity of the immediate neighbouring property number 6 Fletcher Road.

6.4.2 Given the location of the property on a corner, it is considered there will be no significant impact upon the residential amenity of other residential properties within the vicinity.

6.4.3 The internal layout of the building will consist of three small bedrooms and one large bedroom on the ground floor along with a kitchen/dining area, sitting area, and shower room on the ground floor and two large and one small bedrooms and shower on the first floor. All bedrooms will be served by adequate natural light and ventilation and the property will be served by appropriate facilities and a suitable communal space. The HMO layout conforms with the space standards set out within the Council's House in Multiple Occupation (HMO) Standards. This is not an adopted planning policy document and would be enforced by the Council's Private Sector House section.

6.5 Parking

6.5.1 Whilst no parking provision will be provided, the site is within walking distance of Beeston town centre and the University of Nottingham campus and is in close proximity to the tram and regular bus services along Fletcher Road and car ownership associated with this property is likely to be low.

7. Planning Balance

7.1 The benefits of the proposal are that it would provide additional space in an existing house which will contribute to the mix of housing in the area. Although there will be some impact on neighbour amenity and no parking provision, it is considered this will not be detrimental. The change of use would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. On balance, the scheme is acceptable and should be approved.

8. Conclusion

8.1 To conclude, it is considered the change of use is acceptable and there would not be a significant impact on the amenity of surrounding neighbours, or traffic/parking in the area and therefore the application should be approved.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><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></p>
2.	<p>The development hereby permitted shall be carried out in accordance with Site Location Plan/Block Plan, 406.P05B received by the Local Planning Authority on 23 May 2022, proposed Elevations, 406.P04D, proposed Floor Plans, 406.P03D received by the Local Planning Authority on 26 January 2023.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No building operations above ground level shall be carried out until details of the manufacturer, type and colour of the materials to be used have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 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.



Legend

-  Site Outline
-  Classified Road
-  Tram Route
-  Article 4 Direction

Photographs

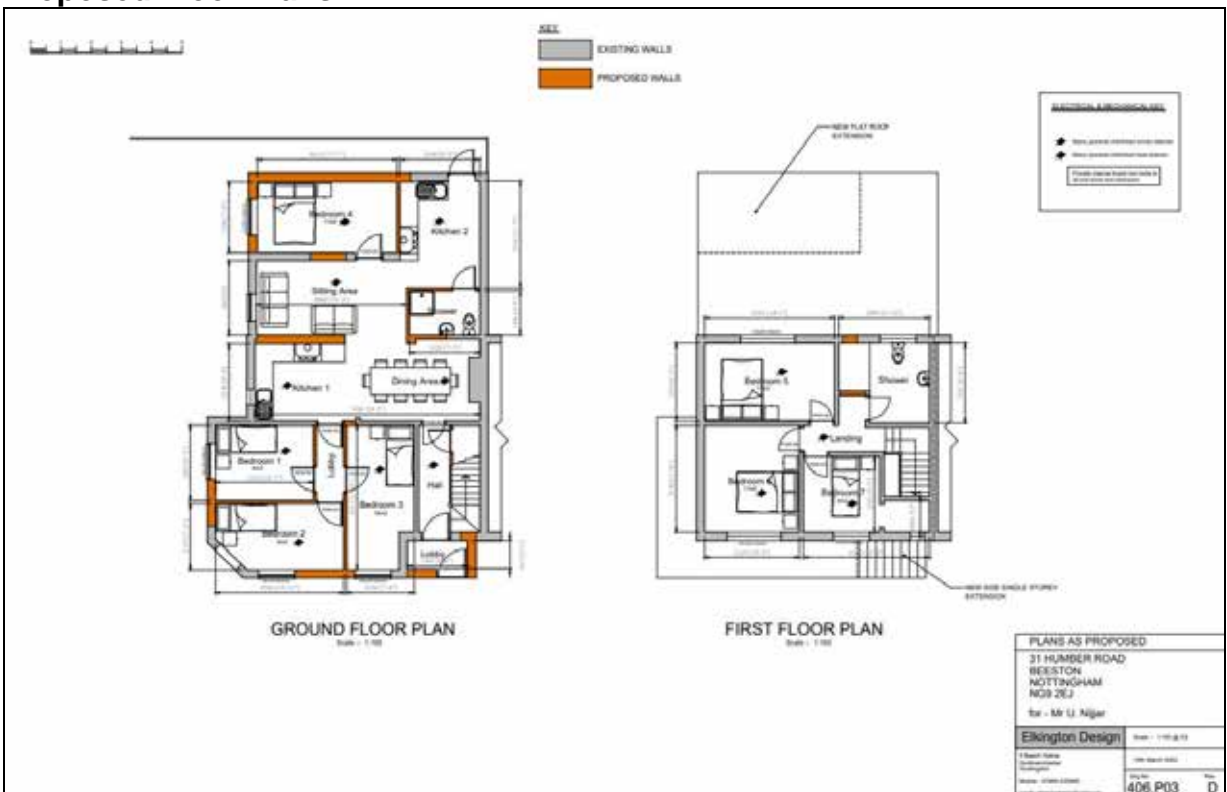


Plans (not to scale)

Proposed Elevations



Proposed Floor Plans



Proposed Block Plan

