

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>23/00078/FUL</b>
<b>LOCATION:</b>	<b>126 Central Avenue, Beeston</b>
<b>PROPOSAL:</b>	<b>Change of use from dwelling (Class C3) to HMO (Class C4)</b>

The application is brought to the Committee at request of Councillor S J Carr.

1. Purpose of the Report

1.1 The application seeks planning permission to change the use of the property from a residential use (Class C3) to a house in multiple occupancy (C4). No extensions have been proposed with this application.

2. Recommendation

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

3. Details of the Application

3.1 The application seeks full planning permission to change the use of the property from a residential use (Class C3) into a 4 bedroomed house in multiple occupancy (C4). No external alterations have been proposed.

3.2 The original plan submitted with the planning application proposed the provision of a four bedroomed house. The existing layout consists of three bedrooms, kitchen, living room, WC and a bathroom.

3.3 The main issues relate to whether the principle of the change of use from residential (Class C3) to a 4 bedroomed HMO (C4) is acceptable, whether there would be unacceptable impacts on neighbour amenity and whether the proposal would have an unacceptable impact on parking.

3.4 The benefits of the proposal are that it will contribute to the mix of housing in the area, and it would be in a sustainable location with good access to public transport reducing reliance on private vehicles. Furthermore, the change of use would not appear out of character with the surrounding area and would be in accordance with the policies contained within the development plan which is given significant weight.

3.5 Whilst no cycle storage has been proposed, the rear garden can be used for cycle storage and two vehicles can be accommodated to the front of the property. On balance, the scheme is acceptable and planning permission should be granted.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:  
 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. Data 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 Nil.

## APPENDIX

**1. Details of the application**

- 1.1 This application seeks full planning permission to change the use of the property from a residential use (Class C3) into a 4 bedroomed house in multiple occupancy (C4). No external alterations have been proposed.
- 1.2 The internal layout will consist of one large bedroom, kitchen/dining/sitting area and WC on the ground floor, and two large bedrooms, one small bedroom and bathroom on the first floor.
- 1.3 No extensions or external alterations are proposed.

**2. Site and surroundings**

- 2.1 The building is a two storey end of terrace dwelling with hipped roof located in a residential area. The property consists of red brick and the existing internal configuration consists of living room, kitchen and WC on the ground floor, with two large bedrooms, one small bedroom and bathroom on the first floor.
- 2.2 The application property is located within the area of Article 4 Direction that came into force on 26 March 2022 removing permitted development rights that allow a change of use from a dwellinghouse to a 'small HMO' for use by up to 6 individuals (Class C3 to Class C4).

**3. Relevant Planning History**

- 3.1 There is no relevant planning history for this site post 1974.

**4. Relevant Policies and Guidance**

- 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.
- 4.2 **Broxtowe Aligned Core Strategy 2014:**  
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
- 4.3 **Part 2 Local Plan 2019:**  
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
- 4.4 **National Planning Policy Framework (NPPF) 2021**
- Section 2: Achieving Sustainable Development
  - Section 4: Decision-making
  - Section 12: Achieving Well-designed Places

- 4.5 **Supplementary Planning Document (SPD) Houses in Multiple Occupation**  
The Council adopted the Houses of Multiple Occupation – Supplementary Planning Document (SPD) on 19<sup>th</sup> July 2022.

## 5. **Consultations**

### 5.1 **Private Sector Housing Officer**

This property will not require a mandatory HMO Licence. Amenity and sizes appear suitable for the number of occupants and meets HMO Property conditions. Kitchen facilities and communal space sizes appear suitable. Bedroom sizes are not labelled; bedrooms appear to meet the minimum 8m<sup>2</sup>. Advised that the developer must ensure that FD30 fire doors, heat detectors/fire alarm and emergency lighting are in place.

### 5.2 **Environmental Services Officer**

Developer to purchase first provision of bins. Information about bins size for each house. Bins need to be presented at the edge of the highway for emptying.

- 5.3 Five neighbouring properties were consulted on the application and six objections were received which can be summarised as follows:

- Proposed use is not in keeping with the neighbourhood which is a quiet area for families and older residents
- Increase in noise and disturbance from potential occupiers
- Smell due to excessive rubbish
- The area will be turned into a student area
- Landlords economic benefits
- Loss/lack of family homes, not enough affordable houses to purchase or rent and this application will remove another family house from the market
- Impact on highway: lack of parking/ increase in traffic
- The area becoming a student area
- Impact on social cohesion
- The area is mainly a family area and more families should be encouraged into the area
- Potential anti-social behaviour
- Proposal unsuitable in terms of being able to create a healthy living environment: rooms sizes/usable space, layout, privacy for future occupants, lack of internal sound insulation, lack of communal space
- Compliance with local policies
- Inaccurate measurements: floor plan discrepancies
- Lack of site notice to inform local residents
- Validity of application: incorrect information, unknown applicant (re: HMO licence)
- Potential issues: increase in number of students in the area.

No new matters were raised as a result of re-consultation on amended plans.

## 6. Assessment

- 6.1 The main issues relate to whether the principle of the change of use from residential (Class C3) to a 4 bedroomed HMO (C4) is acceptable, whether there would be unacceptable impacts on neighbour amenity and whether the proposal would have an unacceptable impact on parking.

### Principle

- 6.2 Policy 8 of the ACS paragraph 4 states that the appropriate mix of house size, tenure and density within housing development will be informed by: c) local demographic context and trends, d) local evidence of housing need and demand, f) area character, site specific issues and design considerations, and g) the existing or proposed accessibility of a location by walking, cycling and public transport. It is considered that the creation of a four-bedroom HMO would contribute to providing a mix of housing types, and is in a sustainable location.
- 6.3 Policy 15 of the P2LP states in Section 6 that developments 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.
- 6.4 The HMO SPD adopted by Broxtowe Borough Council states that the following principles will be applied in determining planning applications for HMOs:
- Preventing clustering: assessments should give consideration to the impact of: more than three known consecutive HMOs on the same street or adjoining street, more than 2 known consecutive HMOs positioned opposite to 2 or more known consecutive HMOs properties.
  - Radius approach: assessments should give consideration to the impact of the total number of known HMO properties exceeding 20% relative to the total number of properties within a radius of the application property.
  - Preventing 'sandwiching' assessments should give consideration to the impact of the following: a standard dwelling being positioned in-between two known houses in multiple occupancy either adjacently or to the front and rear.
- 6.5 According to the Beeston Article 4 HMOs Map there are a total of 92 dwellings within a radius of 100m of the application site with 4 known HMOs, it means that there is 4.3% of HMOs (with only 3 non-licenced HMOs on this stretch of Central Avenue). Therefore, it is considered that the proposed change of use from C3 to C4 would not result in clustering or sandwiching and would be below the number of HMO within a radius of 100m.
- 6.6 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 within an urban (within close distance of Beeston town centre), sustainable location with access to regular transport links.
- 6.7 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 that the proposed change of use will not introduce any changes to the character of the dwellinghouse and would have no impact on the street scene. There is a large number of family homes still occupying the surrounding area. The site is in close proximity to Beeston Town centre with access to regular transport links which

reduces the reliance on private car ownership. The principle of development is considered to be acceptable.

#### **Amenity**

6.8 The properties that will be mostly affected by the change of use are 124 and 128 Central Avenue.

124 Central Avenue is the adjoining two storey dwelling located to the south east of the application site. External access to the rear of 124 Central Avenue is through a driveway located to the side of the application site. Along the boundary of the application site and this neighbouring property there are a 1.8m high fence followed by a 2.2-2.6m high hedge.

128 Central Avenue is a semi-detached bungalow located to the north of the application site. Along the boundary of the application site and this neighbouring property there is a 2.3m high hedge.

As no extension has been proposed, it is considered that the proposal will not have any significant impact on the amenity of the immediate neighbouring properties numbers 124 and 128 Central Avenue in terms of loss of light, outlook or privacy.

#### **Design**

6.9 No external changes are proposed to the property.

#### **Parking**

6.10 There are two off street parking spaces to the front of the dwelling. The site is in close proximity to Beeston Town Centre with regular bus services along Dennis Avenue and Woodside Road, and car ownership associated with this property is likely to be low. As such, it is considered that there would be no significant impact on highway safety.

#### **Other Matters**

6.11 Generally student areas can be associated with noisy activities. Within the representation which has been received, concerns have been raised with regard to noise and antisocial behaviour. It is considered that concerns regarding fear of crime and anti-social behaviour relates to assumptions about the behaviours of people which ultimately planning would be unable to control. It is considered that there are insufficient grounds to suggest that the proposed used will result in a significant adverse impact upon neighbouring properties.

6.12 All adjacent properties were notified about this application, therefore it was considered that a site notice was not necessary.

6.13 Regarding the comment about inaccurate information (plans), the Council have worked with the applicant to make changes to the plans to ensure they are accurate and to provide a clear and concise description of the proposed development. Revised plans have been submitted and a re-consultation has taken place of adjoining neighbours.

6.14 Regarding the comment about the application been submitted by an agent on behalf of an unknown applicant and the appropriate checks to grant a HMO licence, this is a common procedure and as this property is proposed to be occupied by 4 persons, does not need a HMO licence. Should a licence be needed, Environmental Health Department will assess whether or not a person is fit and proper to hold the licence.

**7. Planning Balance**

7.1 The benefits of the proposal that it will contribute to the mix of housing in the area. Although there will be some impact on neighbour amenity, it is considered this will not be detrimental. The change of use would not appear out of character with the surrounding area and would be in accordance with the policies contained within the development plan and the HMO SPD, which are 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 parking in the area and therefore the application should be approved.

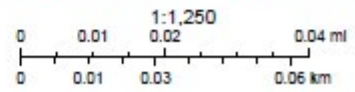
<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
1.	<b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b>  <i>Reason: To 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.	<b>The development hereby permitted shall be carried out in accordance with the Site Location plan received by the Local Planning Authority on 30 January 2023 and Proposed Layout received by the Local Planning Authority on 19 April 2023.</b>  <i>Reason: For the avoidance of doubt.</i>
<b>NOTES TO APPLICANT</b>	
1.	<b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b>

23/00078/FUL - 126 Central Avenue, Beeston NG9 2QT



4/12/2023, 3:25:23 PM

-  Article 4 Direction
-  Site



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Beeston Article 4 HMOs

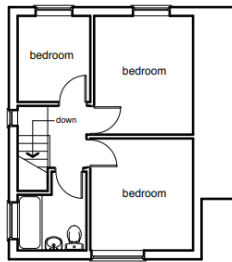


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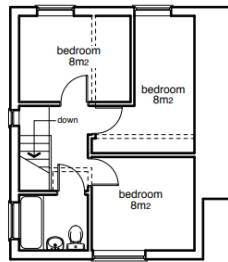


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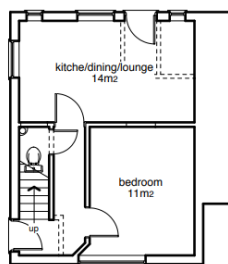
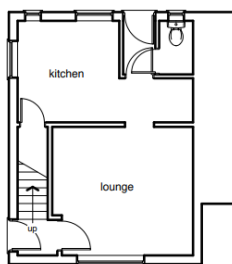
**Plans (not to scale)**



EXISTING FIRST FLOOR PLAN 1:100 @ A3



PROPOSED FIRST FLOOR PLAN 1:100 @ A3



126 CENTRAL AVENUE  
BEESTON  
NG9 2QT

**Photographs**



Front and side elevations

Rear elevation



Relationship with no.124 Central Avenue



Rear garden  
Relationship with no.128 Central Avenue.