

Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>23/00293/FUL</b>
<b>LOCATION:</b>	<b>3 Willoughby Street, Beeston, NG9 2LT</b>
<b>PROPOSAL:</b>	<b>Change of use from Use Class C3 to an HMO within Use Class C4</b>

The application is brought to the Committee at request of Councillor V C Smith.

1. Purpose of the Report

The application seeks planning consent at the property 3 Willoughby Street, Beeston for a change of use from a dwellinghouse (Use Class C3) to a House of Multiple Occupation (Use Class C4).

2. Recommendation

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

3. Executive Summary

3.1. The application site consists of a two storey semi-detached dwelling, which is adjoined to adjacent neighbouring property 5 Willoughby Street, which is a mirror image of 3 Willoughby Street. There is a rear garden located north-east of the dwelling, whilst there are two adjacent roads Willoughby Street located south of the application site and Portland Street located west of the application site. The application site is located within the Beeston Article 4 Area.

3.2. The main issues relate to whether the proposed change of use from a dwellinghouse (Use Class C3) to an HMO (Use Class C4) complies with the Policy 8 of the Aligned Core Strategy (2014), Policy 15 of the Broxtowe Local Plan Part 2 (2019) and the Houses in Multiple Occupation Supplementary Planning Document (SPD) (2022). Considerations in regard to design, neighbour and occupier amenity and the impact upon access (highway safety) impact will also be assessed as part of the report.

3.3. The Committee is asked to resolve that planning consent be granted subject to the 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 Section 106s (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 The application proposes to change the use of 3 Willoughby Street, Beeston from a dwellinghouse (Use Class C3) to an HMO (Use Class C4).
- 1.2 There are no external changes to the dwelling as part of the application, with the internal changes including constructing a partition wall to create a hallway leading from the front door to the stairs and the rear of the house, which will also allow for the conversion of the existing ground floor lounge into a third bedroom, hence creating a proposed 3-bedroom HMO.
- 1.3 When the site visit was undertaken on 13 July 2023, the proposed internal changes had not been completed and no tenants were present at the property.

2. Site and surroundings

- 2.1 The application site consists of a two storey semi-detached dwelling, which is adjoined to adjacent neighbouring property 5 Willoughby Street, which is a mirror image of 3 Willoughby Street. There is a rear garden located north-east of the dwelling, whilst there are two adjacent roads Willoughby Street located south of the application site and Portland Street located west of the application site. The application site is located within the Beeston Article 4 Area.

3. Relevant Planning History

- 3.1 No relevant planning history post 1974.

4. Relevant Policies and Guidance4.1 **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

4.2 **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 Amenities

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

- Section 2: Achieving sustainable development
- Section 5 Delivering a sufficient supply of homes
- Section 11: Making effective use of land
- Section 12: Achieving well designed places.

#### 4.4 **Supplementary Planning Document (SPD) Houses in Multiple Occupation** adopted 19 July 2022.

#### 5. Consultations

5.1 Seven neighbouring properties have been consulted on the application, with the consultation period expiring on 3 June 2023.

5.2 There have been two responses received, with the first response raising no objections to the development proposal. The second response objected to the proposal on the grounds that another family home is being turned into a HMO – there is a need for family homes not more HMOs.

5.3 Councillor G Bunn was consulted on the application with no comments received. Councillor Vanessa Smith was also consulted on the application and requested for the application to be determined by the Planning Committee.

5.4 **Nottinghamshire Police** were consulted on the application and stated in their response they have no holding objections with regards to this application. Nottinghamshire Police have also provided comments in regards to Houses of Multiple Occupation being at a higher risk of crime and it is recommended security measures should be contained therein. A Note to Applicant including these comments will be added to any subsequent decision notice.

5.5 **Private Sector Housing** were consulted on the application and stated in their response that on the assumption that each bedroom will only be occupied by one person, bedroom sizes and communal space sizes appear suitable and the property would not need an HMO licence under the Housing Act 2004 Part 2. Private Sector Housing requested a copy of the Broxtowe HMO Property Standards be provided to the applicant.

5.6 Private Sector Housing have also recommended measures in respect of fire safety and a Note to Applicant including these measures will be added to any subsequent decision notice.

#### 6. Assessment

6.1 The main issues relate to whether the proposed change of use from a dwellinghouse (Use Class C3) to an HMO (Use Class C4) complies with the Policy 8 of the Aligned Core Strategy (2014), Policy 15 of the Broxtowe Local Plan Part 2 (2019) and the Houses in Multiple Occupation Supplementary

Planning Document (SPD) (2022). Considerations in regard to design, neighbour and occupier amenity and the impact upon access (highway safety) impact will also be assessed as part of the report.

### Policy

- 6.2 Policy 8 of the ACS states in paragraph 4 that the appropriate mix of house size, type, tenure and density within housing development will be informed by:
- c) local demographic context and trends;
  - d) local evidence of housing need and demand;
  - e) the need to redress the housing mix within areas of concentration of student households and Houses in Multiple Occupation;
  - f) area character, site specific issues

Paragraph 3.8.7 states that the number of full-time students attending Universities in the area has increased considerably in recent years. The process of change brought about by increased numbers of student households and Houses in Multiple Occupation (HMOs) has altered the residential profile of some neighbourhoods dramatically, and has led to unsustainable communities and associated amenity issues.

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.

On 26 March 2022 an Article 4 Direction came into force within the Beeston area of Broxtowe Borough removing the permitted development right that allows a change of use from a dwellinghouse to a 'small HMO' for use by up to 6 individuals (Class C3 to Class C4).

- 6.3 The HMO SPD aims to provide guidance when an application is determined, 'to manage the development of HMOs and their impact on character and appearance in addition to ensuring that they provide a high standard of living for existing and prospective residents and be in accordance with paragraph 3.8.8 of Policy 8's emphasis of 'creating and maintaining sustainable, inclusive and mixed communities'. As such, the document has identified several ways to prevent over-concentration of HMOs within Article 4's area. The document advises that proposal for the development of HMO should not be granted planning permission where the development would result in:
- 'clustering' more than three consecutive known HMOs in the same street or more than two consecutive HMOs positioned opposite to two more known consecutive HMO properties
  - Radius approach: measured in a straight line distance: the total number of known HMOs exceeding 20% to the total number of properties within a 100m radius of the application site

- ‘sandwiching’: a standard dwelling being positioned in-between two known HMO either adjacently to, or to the front and rear.

The document also highlights the importance of the following aspects: living space and proposed layout, implementation of sound reduction measures, safe access and adequate parking, cycle storage and bin storage and waste.

- 6.4 According to the information available from the Beeston Article 4 Map (figure 2), if 3 Willoughby Street Beeston was granted planning permission this would not result in clustering as there are not more than three known consecutive HMOs on the same street or adjoining street and there is not more than two known consecutive HMOs positioned opposite to two or more known consecutive HMO properties. Furthermore, according to the information available from the Beeston Article 4 Map (figure 1), there are 165 dwellings within 100m radius of the site, with 23 known HMOs. The percentage of HMOs within the area is 13.9%. Therefore, the total number of known HMOs will not exceed the permitted 20% relative to the total number of properties within a 100m radius of the application site.
- 6.5 In addition to this, if 3 Willoughby Street was granted planning permission this would not result in ‘sandwiching’. This is because if 3 Willoughby Street was granted planning permission this would not result in a standard dwelling being positioned in-between two known houses in multiple occupancy either adjacently or to the front and rear.
- 6.6 Therefore, in line with the SPD, it is considered the proposal for a change of use into a three-bedroom HMO would be acceptable and comply with the SPD.
- 6.7 The reason for this derives from Policy 8 of the ACS which states that the increased numbers of student households and Houses in Multiple Occupations (HMOs) has altered the residential profile of some neighbourhoods dramatically, and has led to unsuitable communities and amenity issues. It is also considered that an overconcentration of HMOs would upset the balance of the area in terms of character as well as having potential negative impacts upon amenity/neighbours and parking.
- 6.8 The proposal is to change the use of the property 3 Willoughby Street, Beeston from a dwellinghouse (Class C3) to a 3-bedroom HMO (Class C4) within the Town Centre of Beeston. The principle of the change of use is acceptable and will add to the mix of housing stock within Beeston which is in line with Policy 8 of the ACS and Policy 15 of the P2LP and will not detract from the overall character of the area subject to amenity, access and other material planning considerations.

**Design**

- 6.9 There are no proposals for alterations to the building externally, therefore it is considered there are no design issues to consider externally.

**Neighbour and Occupier Amenity**

- 6.10 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 of P2LP states development should ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.
- 6.11 It is considered the internal residential layout provides an acceptable standard of living, with acceptable bedroom space, communal lounge/kitchen and bathroom facilities. Each room has an outlook and natural light/ventilation. Private Sector Housing have stated that on the assumption that each bedroom will only be occupied by one person, bedroom sizes and communal space sizes appear suitable and the property would not need an HMO licence under the Housing Act 2004 Part 2. Therefore, it is considered if the fire safety precautions are implemented (measures included as a Note to Applicant) the amenity of the occupiers will be acceptable.
- 6.12 It is considered the proposed change of use from dwellinghouse (Use Class C3) to a 3-bedroom HMO (Use Class C4) is unlikely to significantly impact upon the amenity of the adjacent neighbouring properties and surrounding area.

**Access (Highway Safety)**

- 6.13 There is some-on street parking allowed on Willoughby Street and Portland Street. The applicant has provided a parking plan showing there are two parking spaces proposed to be located in the rear garden of the application site. There is an existing wall which would have to be demolished to allow access into the rear garden for the two proposed parking spaces and a subsequent dropped kerb application would likely have to be submitted to the Local Highways Authority.
- 6.14 However, it is considered due to the location of 3 Willoughby Street in the centre of Beeston it is unlikely there will be a large demand for vehicle ownership. This is because there is a large number of facilities available on the adjacent High Road, Beeston and the property is close enough to the University Campus for residents to walk, cycle or use public transport. The existing dwelling is a two-bedroom dwellinghouse with the proposal to add an additional bedroom to create a three-bedroom HMO, therefore it is considered unlikely there will be significant increase in vehicles which would result in a harmful impact upon the highway safety of the site and of the adjacent neighbouring properties.
- 6.15 To conclude, it is considered the proposed impact in terms of highway safety would likely be acceptable. However, if the two parking places are proposed to

be placed in the rear garden of the application site this would be subject to approval from the Local Highway Authority.

7. Conclusion

7.1. It is concluded that, having regard to the relevant policies of the Local Plan, NPPF and to all other material considerations including the Public Sector Equality and comments received in the representations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<p><b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b></p> <p><b>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.</b></p>
<b>2.</b>	<p><b>The development hereby permitted shall be carried out in accordance with the plans</b></p> <p><b>Received by the Local Planning Authority on 14 April 2023:</b></p> <ul style="list-style-type: none"> <li><b>• Site Location Plan (1:500 on A4)</b></li> </ul> <p><b>Received by the Local Planning Authority on 4 May 2023:</b></p> <ul style="list-style-type: none"> <li><b>• Proposed Floor Plans (Scale 1:100 @ A3)</b></li> </ul> <p><b><i>Reason: For the avoidance of doubt.</i></b></p>
<b>NOTES TO APPLICANT</b>	
<b>1.</b>	<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>
<b>2.</b>	<b>The Applicant is strongly advised to refer to the Broxtowe HMO Property Standards.</b>

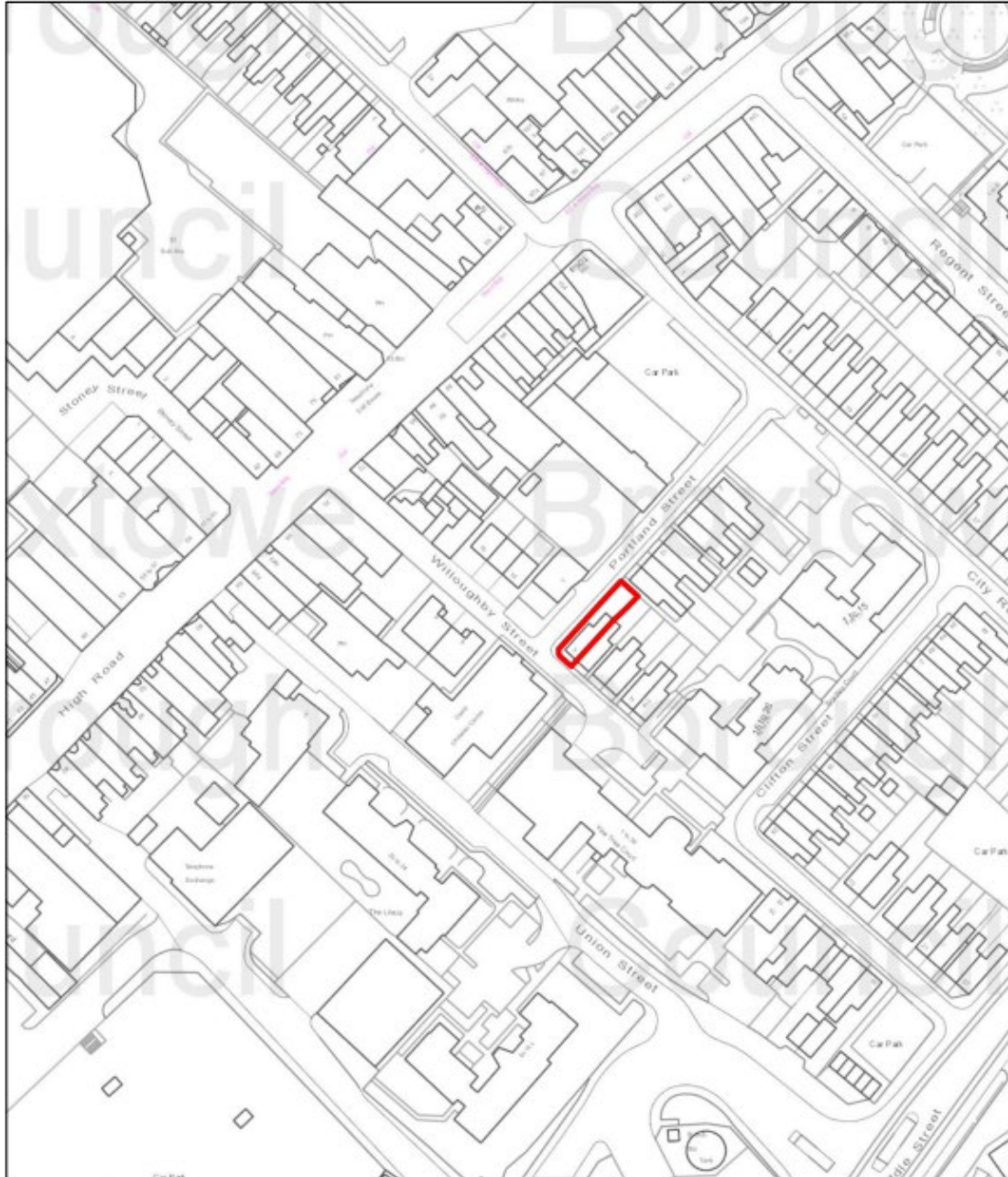


<p>3.</p>	<p>The Council’s Private Sector Housing Team comments that a fire detection system would be required prior to occupation as a HMO as follows:</p> <ul style="list-style-type: none"> <li>• A mains-wired interlinked smoke alarm with battery back-up in the first floor common parts;</li> <li>• A mains-wired interlinked heat alarm with battery back-up in the open plan kitchen / diner / lounge;</li> <li>• A mains-wired interlinked smoke alarm with battery back-up in the ground floor common parts near the ground floor bedroom.</li> <li>• Thumb turn locks should be fitted to the exit doors to ensure that occupiers can make a swift escape from the property in the event of a fire without the use of door keys.</li> <li>• If the bedroom doors are fitted with locks then they should also be thumb turn locks.</li> <li>• There should be an escape window at first floor level to ensure an alternative means of escape in case the ground floor escape route is compromised. The window should be fitted in a room which cannot be locked from the outside, so in this case ideally the bathroom.</li> <li>• The escape window should have an unobstructed openable area that is at least 0.33m<sup>2</sup> and at least 450mm high and 450mm wide (the route through the window may be at an angle rather than straight through). The bottom of the openable area should not be below 800mm or more than 1100mm above the floor level. The window must also have appropriate escape catches and hinges to ensure this clear opening is achieved.</li> </ul>
<p>4.</p>	<p>Nottinghamshire Police advise that many HMOs visited by the Police have poor standards of security which renders the occupants at an increased risk of becoming victims of crime. As the occupants of HMOs do not own the property it is often difficult for them to adopt any crime reduction recommendations made by the Police after a crime has taken place.</p> <p>Statistically, the likelihood of being a repeat victim of house burglary in England &amp; Wales increases exponentially unless crime reduction measures are adopted (Tseloni et al., 2018). The premises are situated within a high crime area of Nottingham, Nottinghamshire. This street is also situated in one of the higher crime and disorder LSOAs (Lower Super Output Area) in England &amp; Wales.</p> <p>It is possible that a house of multiple occupancy while resulting in the re-use of a building would not necessarily achieve a mixed and balanced community if such properties continue to be converted in the same localised area, and the residents of them remain transient and lack ownership or desire to become embedded in</p>

	<b>that community. It may also become targeted for crime if security measures are not considered therein.</b>
<b>5.</b>	<b>The applicant will need to apply to the Local Highways Authority for a dropped kerb in regard to the two proposed parking spaces in the rear garden of the application site.</b>

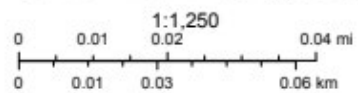
Site Map

23/00293/FUL - 3 Willoughby Street, Beeston



8/10/2023, 4:26:18 PM

 Site



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Photographs



Photograph showing the front elevation of 3 Willoughby (on the left) and adjoining adjacent neighbouring property 5 Willoughby Street (on the right).



Photograph showing the existing lounge which is proposed to be converted into a ground floor bedroom.



Photograph showing the existing kitchen area which will remain.



Photograph showing the existing dining area which will remain.



Photograph showing one of the first floor bedrooms which will remain.



Photograph showing the second of the first floor bedrooms which will remain.



Photograph showing the first floor bathroom which will remain.



Photograph showing rear garden of the application site.

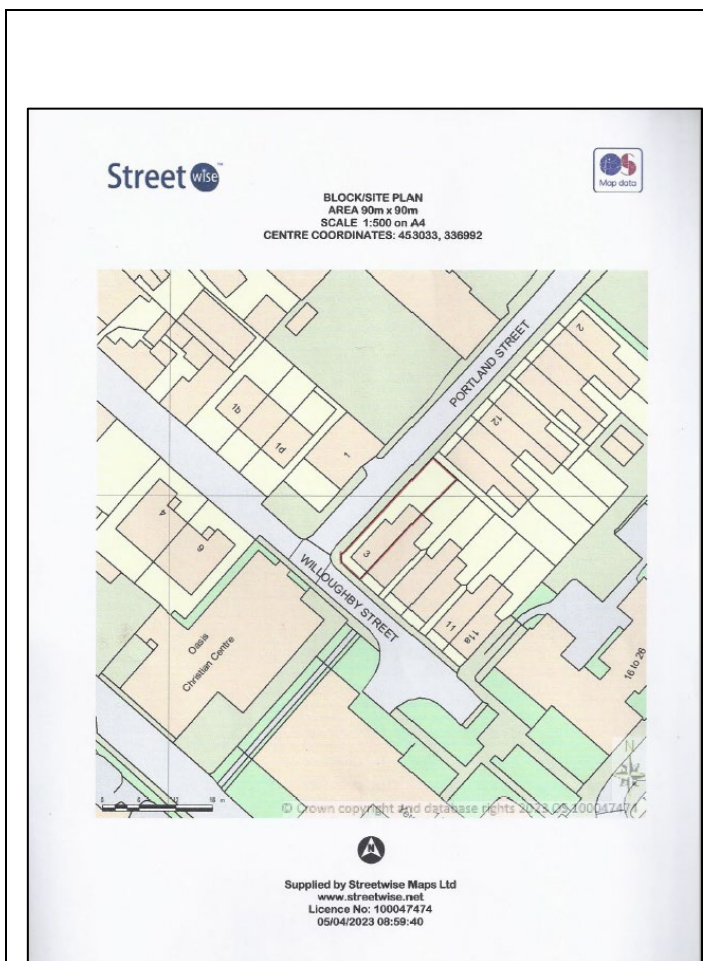


Another photograph showing the rear garden of the application site.

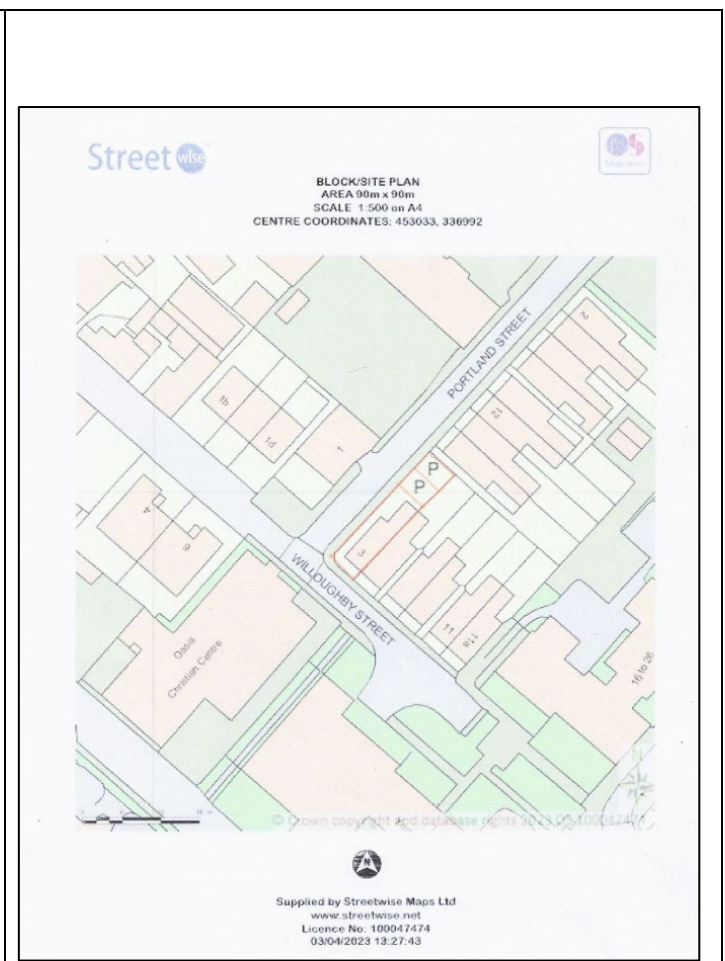


Photograph showing the rear elevation of the existing dwelling.

**Plans (Not to Scale)**

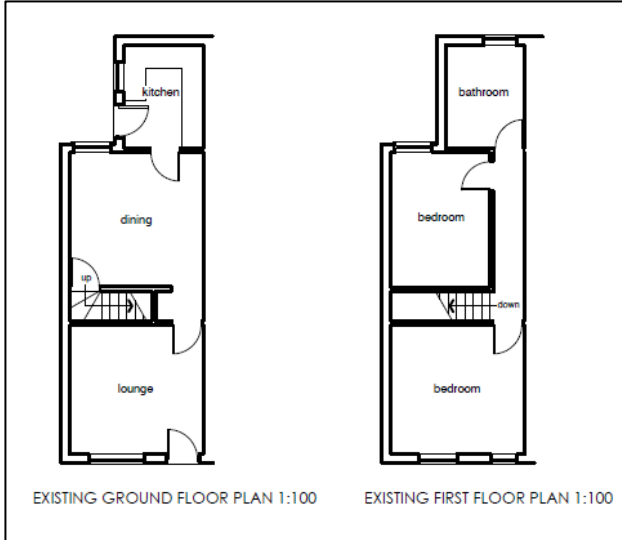


**Site Location Plan**

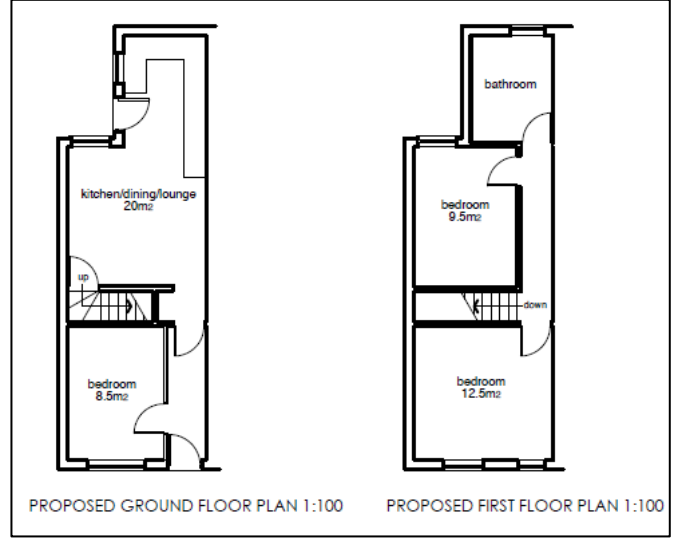


**Proposed Parking Plan**

**Existing Floor Plans**




**Proposed Floor Plans**











**Figure 1 - Beeston Article 4 HMOs (Radius Approach)**



Key

Licensed 

Non-Licensed 

HMOs within Article 4	Known HMOs (23)	Dwellings (165)	
Locate Application	<a href="#">Start Over</a>		Closest Address
  	Buffer Distance 100   Meters		Portland Street Nottingham, England NG9 2





**Figure 2 -Beeston Article 4 HMOs – Highlighting there will be no clustering or sandwiching**