

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>19/00295/FUL</b>
<b>LOCATION:</b>	<b>56 SALISBURY STREET BEESTON NOTTINGHAM NG9 2EQ</b>
<b>PROPOSAL:</b>	<b>CHANGE OF USE OF 6 BED HOUSE IN MULTIPLE OCCUPATION (CLASS C4) TO A 7 BED HOUSE IN MULTIPLE OCCUPATION</b>

Councillor P Lally has requested this application be determined by the Planning Committee.

1 Executive Summary

- 1.1 The application seeks planning permission to change the use of the existing 6 bed dwelling (Class C4) to a 7 bed House in Multiple Occupation (sui generis use). No external alterations are proposed.
- 1.2 The site contains a two storey semi-detached property which has a single storey flat roof extension to the rear and a dormer to the rear roof slope.
- 1.3 The main issues are the increase in intensity of the occupation of the building, the impact on the living conditions of the occupiers and flood risk.
- 1.4 The benefits of the proposal are the provision of additional bed space within an established property, close to amenities and thereby reducing reliance on private motor vehicles, and the proposal would be in accordance with policies contained within the development plan. This is given significant weight.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

**APPENDIX****1     Details of the Application**

- 1.1     The application seeks planning permission to change the use of the dwelling from a 6 bedroomed Class C4 use to a 7 bedroom (sui generis use) House in Multiple Occupation. The dwelling already provides accommodation for six individual occupants. There are no external alterations or additions proposed. The seventh bedroom would be accommodated in a ground floor room identified on the existing plan as a 'snug'.
- 1.2     The internal layout would remain the same, aside from the rooms' proposed allocation.

**2     Site and surroundings**

- 2.1     The application property is a semi-detached dwelling with a gable roof. The property has previously been extended and has a flat roof single storey extension of 6m in length across the rear of the dwelling, and a flat roof dormer to the rear roof slope, again to the width of the property. There is a 1m high brick wall to the front boundary, 1.8m to 2m high close boarded fencing to enclose the rear garden, and 1m high fencing to common boundaries to enclose the front garden. The site is located within both flood zones 2 and 3.
- 2.2     Salisbury Street is located within close proximity of the tram route and the area is typified by detached and semi-detached two storey dwellings. No. 54 Salisbury Street, the attached semi – detached property, has been extended to the rear with a single storey flat roof extension. This property is currently being used as a 6 bed House in Multiple Occupation (Class C4).

**3     Relevant Planning History**

- 3.1     In 2017 a prior notification was submitted to the Planning Authority for the construction of a larger single storey rear extension of up to 6m in length. The extension has subsequently been built (reference 17/00725/PNH).

**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 2: The Spatial Strategy
- 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.

## 4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving sustainable development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 14 – Meeting the challenge of climate change, flooding and coastal change

## 5 Consultations

5.1 **Council's Waste and Environment Manager:** Provided information regarding waste and recycling requirements serving the property.

5.2 **Council's Environmental Health Officer:** No objections. Recommends notes to applicant in respect of hours of construction work and no bonfires, however as there are no building works to be undertaken, the notes would not be relevant on this occasion.

5.3 **Council's Private Sector Housing Officer:** The property has facilities and amenities that would support the seventh bedroom. The HMO licence would need to be varied, should planning permission be granted.

5.4 **Environment Agency:** (1<sup>st</sup> consultation) – Object to the proposal in the absence of an acceptable Flood Risk Assessment (FRA).

(2<sup>nd</sup> consultation) – Advise their original objection still stands, however it is also recognised that there is access from the front ground floor bedroom to the front stairwell where occupants could move up to the first floor to a place of safety. Taking into account the above it is further advised that should the Council be minded to approve this application, given the size and scale of the development the Environment Agency would not pursue their objection.

5.5 Seven properties either adjoining or opposite the site were consulted, with 6 letters having been received objecting on the grounds of:

- Area becoming over run with HMO's;
- Additional noise, pollution and traffic;
- General maintenance of the external appearance and garden of the property;
- Litter and fly tipping in the area from occupiers;
- Loss of privacy;
- Loss of parking.

## 6 Assessment

6.1 The main issues for consideration are the increase in intensity of the occupation and the impact on the living conditions of the occupiers.

## 6.2 Principle

- 6.2.1 Policy 8 'Housing Size, Mix and Choice' states 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. The policy also states that all residential developments should contain adequate internal living space. The policy then refers to the need to redress the housing mix within areas of concentration of student households and Houses in Multiple Occupation.
- 6.2.2 Policy 8 encourages a mix of housing tenures, types and sizes. It is considered that the emphasis of the policy is on promoting housing mix rather than preserving the existing character of the street. Salisbury Street is characterised by varying styles of properties including family homes and HMO's. The development would add to the housing mix and it is considered that the character of the street would not be harmed to an extent which would justify refusing planning permission. It is also noted that the property is within walking distance to Beeston town centre and located on a tram route.
- 6.2.3 It is acknowledged that due to the location of Salisbury Street, being close to The University of Nottingham's campus and the Article 4 direction relating to a restriction on permitted development rights to change the use of a C3 dwelling to a C4 House in Multiple Occupation, imposed from Nottingham City Council, family homes have been and are being developed into student houses within Beeston. There are no planning restrictions to prevent a House in Multiple Occupation (HMO) (up to and including six residents), which is the current use of the property, and although this application is for a change of use for seven residents which requires planning permission, the cumulative impact of family homes being converted is a valid planning issue. However, there are still a considerable amount of houses occupied by families on Salisbury Street and elsewhere in central Beeston. In addition, the conversion of a single room within a property that is already being rented to individual tenants is considered to be acceptable and that it would not be detrimental to the character of the surrounding area. To conclude, the proposed change of use would be acceptable, irrespective of the type of tenant, and as there are no external changes proposed, it would not be harmful to the character of Salisbury Street.

## 6.3 Amenity

- 6.3.1 The conversion of the ground floor 'snug' to a seventh bedroom is considered to be acceptable as the room is of an acceptable size and has an outlook to the front. The communal areas (kitchen and dining / living room) are considered large enough to accommodate an increase of one occupant.
- 6.3.2 Objections have been received from local residents in respect of the proposal creating additional noise, pollution and loss of privacy, litter and fly tipping in the area from occupiers of the HMO and the general maintenance of the external appearance and garden of the property. The property is currently in use as a six bedroom HMO. The addition of one further bedroom to the front of the property is not considered to give rise to any detrimental impact upon the residential amenity of the immediate neighbouring properties.

## 6.4 Parking

- 6.4.1 In relation to assessing the highway impacts of a proposal, paragraph 109 of the National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 105 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.
- 6.4.2 The site lies within a sustainable location which is within walking distance of Beeston town centre, walking distance of frequent bus services along Middle Street and Broadgate and it is positioned in close proximity of a regular tram route. The site is served by limited off-street parking to the front/side of the property. Although it is accepted the residents associated with this development may have cars, it is likely that car ownership will be low and therefore it is considered the impact on highway safety would not be detrimental.
- 6.4.3 To conclude, it is acknowledged there might be an increase in the amount of cars associated with this property. However, as the increase would be one occupant, from the existing six to a total of seven, it is likely that car ownership will remain low. Therefore, a pragmatic approach needs to be taken in respect of assessing the impact this development would have on highway safety within this area.

## 6.5 Flood Risk

- 6.5.1 The site lies within Flood Zones 2 and 3. Paragraphs 155 – 158 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere. Plans should apply a sequential, risk-based approach to the location of the development. However, if the application comprises a change of use then this approach is not required, especially considering the vulnerability class will remain the same. The site is therefore considered to be acceptable sequentially.
- 6.5.2 Within Beeston there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Policy 1 of the Part 2 Local Plan acknowledges that sites protected by the Nottingham Trent Left Bank Flood Alleviation Scheme bring the opportunity to provide affordable housing in areas of substantial need.
- 6.5.3 A Flood Risk Assessment has been submitted and this concludes that the occupants would be safe within the property should a flood occur. The Environment Agency originally objected to the application in the absence of an acceptable Flood Risk Assessment (FRA) and recommended refusal on the basis of the FRA not providing a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

- 6.5.4 Following on from the comments received from the Environment Agency, a request was made for the submission of a revised Flood Risk Assessment to overcome the deficiencies highlighted by the Environment Agency. The agent highlights that the application only relates to the use of a ground floor living room as a bedroom which could generally happen without planning permission if there were less than 7 residents and does not relate to an extension to the dwelling. The agent therefore considers that the Environment Agency's objection is unreasonable particularly as the area is protected by existing flood defences.
- 6.5.5 Whilst the Environment Agency advise their original objection still stands, it is recognised that there is access from the front ground floor bedroom to the front stairwell where occupants could move up to the first floor to a place of safety. Taking into account the above, it is advised by the Environment Agency that should the Council be minded to approve this application, given the size and scale of the development, the Environment Agency would not pursue their objection. Given the nature of the proposal, it is considered that flood risk issues have been adequately considered and that the development will not increase flood risk.

## 7 Planning Balance

- 7.1 The benefits of the proposal are the provision of additional bed space within an established property, close to amenities and thereby reducing reliance on private motor vehicles, and the proposal would be in accordance with policies contained within the development plan. This is given significant weight.

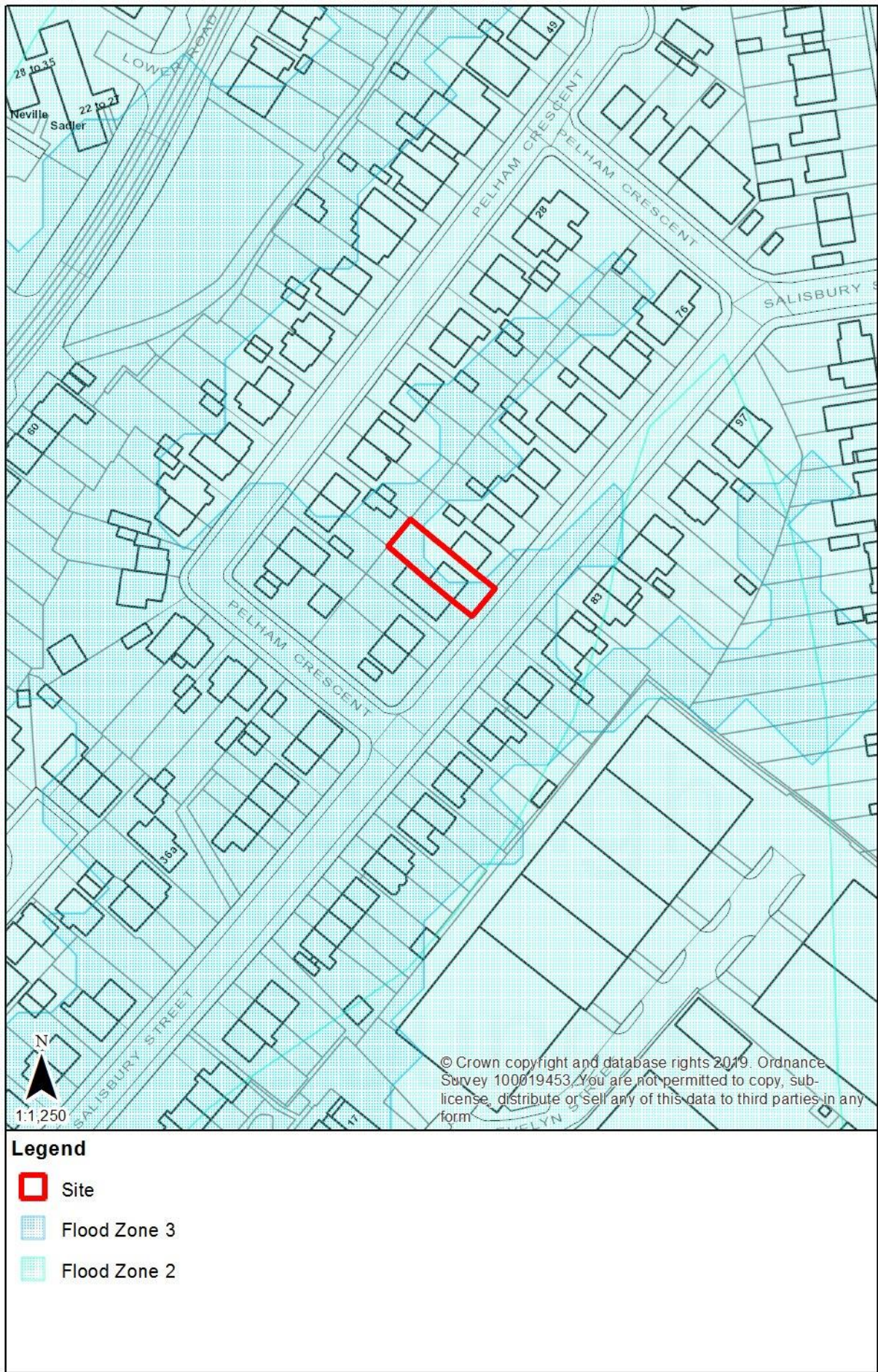
## 8 Conclusion

- 8.1 The change of use from a C4 dwelling house to a house in multiple occupancy (sui generis use) is considered to be acceptable given the existing use of the house and the varied character of the area. The internal layout of the property would provide a suitable standard of accommodation for the occupiers. Whilst only limited off-street parking is provided, it is considered this would not be detrimental to highway safety due to the bedrooms being individually let and as such, car ownership is likely to be low. Furthermore, the site is located within a highly sustainable area with frequent public transportation links. Therefore, it is considered the proposal is acceptable for the reasons set out above.

<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>	<b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b>

	<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></b>
2.	<b>The development hereby permitted shall be carried out in accordance with drawing number 331.01 received by the Local Planning Authority on 8 May 2019.</b>  <b><i>Reason: For the avoidance of doubt.</i></b>
	<b>NOTES TO APPLICANT</b>
1.	<b>The Council has acted positively and proactively in the determination of this application by communicating with the applicant throughout the course of the application.</b>
2.	<b>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></b>







**Photographs**

View of property looking north  
along Salisbury Street.



View of property looking west  
along Salisbury Street.



Front elevation.



Rear elevation.



**Plans (not to scale)**

