



Appeal Decision

Site visit made on 10 June 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/J3015/W/25/3363514

Broadgate House, Broadgate, Beeston, Nottinghamshire NG9 2HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Turton, BG Living Limited c/o SNG Group against the decision of Broxtowe Borough Council.
 - The application Ref is 24/00280/FUL.
 - The development proposed is change of use of part area of car park to form 9no. student studio accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of part area of car park to form 9no. student studio accommodation at Broadgate House, Broadgate, Beeston, Nottinghamshire NG9 2HF in accordance with the terms of the application, Ref 24/00280/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. The appellant has provided the Council with a Unilateral Undertaking (UU) securing the use of the property as student accommodation. The Council have indicated that they are satisfied with the terms of the UU. As I am allowing the appeal on the basis that the proposed development is for student use, I have taken the contents of the UU into consideration. However, the outcome of this appeal does not turn on the presence or absence of the UU.

Main Issue

3. The main issue is whether the proposed development would provide acceptable living conditions for future occupants, with regard to private internal space and the provision of shared amenity space.

Reasons

4. Broadgate House is a 4-storey former office building converted (ref. 21/00758/FUL) to provide student accommodation of 84 bedrooms. The basement level to the building currently comprises storage, car parking and shared student facilities. The shared facilities include, among other things, a cinema room, gym, laundry and games room, along with secure cycle parking and communal bin storage.
5. The proposal seeks to remodel a retaining wall alongside Humber Road and remove a terrace above to create an enclosed courtyard area. Part of the basement storage and car parking areas would be converted to provide 9 studio rooms for student accommodation with access to both the interior of the building and the

- proposed courtyard. Thereby, the building would provide a total of 93 rooms for student accommodation.
6. A daylight assessment and noise impact assessment have been submitted in support of the proposed development. The assessments show that each of the proposed studio rooms, with regards to daylight and noise, would provide acceptable living conditions for future occupants and I have no reason to disagree with these findings.
 7. Each of the proposed studio rooms would be below street level and would have windows and glazed doors facing the street. As such, the proposal includes one-way privacy film to the external glazing to each studio room. Therefore, and without compromising internal daylight levels, the proposal would provide acceptable living conditions for future occupants with regards to outlook and privacy.
 8. The proposed studio rooms vary in internal floor space, with one room having an area of 33m² and the remaining 8 having 22m². These sizes fall below the Technical housing standards – nationally described space standard, 2015 (the NDSS), which recommends a minimum of 37m² for a 1 bedroom, 1 person room that includes a shower room.
 9. However, I have not been directed toward any adopted policies within the development plan that seek to ensure that developments are carried out in accordance with the NDSS. As such, failure to meet the recommendations made in the NDSS, in this case, does not provide sufficient justification for refusal of planning permission when considered against the development plan as a whole.
 10. Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (the ACS) requires new development to be designed to create an attractive, safe, inclusive and healthy environment. Also, Policy 17 of the Broxtowe Part 2 Local Plan 2018-2028, 2019 (the LP), requires development to ensure a satisfactory degree of amenity for occupants of new development.
 11. In this respect, I am mindful of the Council Officer's report to Committee that indicated that the proposed internal floor spaces provided by the development would be consistent with other purpose-built student accommodation schemes granted planning permission within the area. Furthermore, the internal floor spaces of each proposed studio room are consistent with other rooms within the building and benefit from access to shared external space and their proximity to other shared facilities within the building. Notwithstanding these previous decisions and the size of existing rooms, I find that the plans show sufficient internal space within each studio room to provide adequate living space for the purpose of student accommodation.
 12. In the evidence before me both the appellant and the Council refer to the Broxtowe Borough Council Houses in Multiple Occupation Property Standards Supplementary Planning Document, 2022 (SPD). However, I have not been provided with a copy of this document. Notwithstanding this, the Council acknowledge that the proposed development does not meet the definition of a house in multiple occupation (HMO). Moreover, the floor area of all the proposed studio rooms would appear to exceed the minimum standards described in the SPD by a considerable margin. As such, I have considered the appeal against the relevant policies in the development plan and reference to the SPD would not alter my conclusion on the matter of private internal space.

13. Regarding the matter of shared facilities, the proposal would result in little change to the existing shared facilities within the building and some additional bicycle storage. As such, on the basis of the evidence before me and what I saw at my site visit, the shared facilities within the property are more than adequate to accommodate the modest increase in use that would result from an increase of 9 occupants.
14. For these reasons, the proposal would provide an acceptable standard of amenity for future occupants with regard to living space and shared facilities. Therefore, I find no conflict with Policy 10 of the ACS and Policy 17 of the LP.

Other Considerations

15. I note concerns were raised about the proliferation of HMOs in the area and the application of an Article 4 Directive intended to restrict the conversion of houses to this use. However, as described above, the Council do not consider the proposed development meets the definition of an HMO and I have no reason to take a different view on this matter.
16. I acknowledge comments concerning the effect of the proposed development on the availability of on-street parking. However, the proposal includes a Student Traffic Management Plan within the Transport Statement (TS) that indicates how parking and student drop-off and collect arrangements would be managed. The TS was considered by the local Highway Authority and found to be acceptable, and I have not been provided with evidence that would lead me to conclude differently.
17. Concerns have also been raised as to local need for further student accommodation within the area given the recent construction of other purpose-built student accommodation and on-going advertisement of accommodation space at the appeal site. However, the appellant has provided evidence of the increase in student numbers at local academic institutions over recent years and explanation of on-going advertisement of available spaces to attract new occupants from the annual turnover of students. Furthermore, the Council have indicated that they consider the principle of development acceptable, with regard to both need and location. As such, I have found no reason to question the need for the proposed development.

Conditions

18. I have considered the conditions suggested by the Council, having regard to the six tests set out in the National Planning Policy Framework and advice contained in the Planning Practice Guidance, and have amended the wording of certain conditions in that light, without altering their fundamental aims.
19. In addition to the standard time limit condition, I have attached a condition specifying the approved plans to provide certainty. A condition is required to ensure that the external facing materials and handrails to the boundary with Humber Road result in the development having a satisfactory appearance.
20. I have included conditions relating to the proposed one-way privacy film to glazed areas and glazing and mechanical ventilation units to protect the amenity of future occupants.
21. A condition requiring the provision of additional bicycle storage has been included to support the use of sustainable modes of transport. In the interests of highways

safety, I have included conditions requiring the relocation of a street lighting column and telegraph pole and compliance with the Transport Statement - Student Traffic Management Plan.

Conclusion

22. The proposal accords with the development plan, when taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be allowed.

C Mayes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (04)01-00 - Existing Plans and Elevations Location & Block Plans
 - (04)02-01 Rev:A - Existing Basement Floor Plan
 - (04)02-02 Rev:B - Existing Ground Floor Plan
 - (04)02-03 - Existing First Floor Plan
 - (04)02-04 - Existing Second Floor Plan
 - (04)02-05 - Existing Third Floor Plan
 - (04)02-06 - Existing North and East Elevations
 - (04)02-07 - Existing South and West Elevations
 - (04)02-08 - Existing Sections A-C
 - (04)02-09 - Existing Sections D-E
 - (04)02-10 - Existing Sections F-J
 - (04)02-11 - Existing Sections K
 - (04)02-01 Rev:G - Proposed Basement Floor Plan
 - (04)02-00 Rev:C - Proposed Ground Floor Plan
 - (04)02-02 Rev:B - Proposed North & East Elevations
 - (04)02-03 Rev:D - Proposed South & West Elevations
 - (04)02-04 Rev:B - Proposed Sections, Sections A-C
 - (04)02-05 Rev:B - Proposed Sections, Sections D-E
 - (04)02-06 Rev:B - Proposed Sections, Sections F-F - J-J
 - (04)02-07 Rev:B - Proposed Sections, Section K-K

- 3) No development to the exterior of the building shall take place until samples and details of the proposed external facing materials and railings along Humber Road 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.
- 4) The development hereby permitted shall take not be occupied until samples and details of the proposed one-way privacy film to be used on the glazing to external studio room windows and doors have been submitted to and approved in writing by the Local Planning Authority. The one-way privacy film shall be applied in accordance with the agreed details before the use of the development beginning and be maintained thereafter.
- 5) The development hereby permitted shall be carried out in accordance with the specification for glazing and mechanical ventilation units contained within the Noise Impact Assessment (Spire Environmental ref. R24.1814-N-3-AG) April 2024. The glazing and mechanical ventilation units shall be installed before the use of the development beginning and retained thereafter.
- 6) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. (04)02-00 Proposed Ground Floor Plan - Rev:C for bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
- 7) The development hereby permitted shall not be occupied until the street lighting column and telegraph pole on Humber Road have been relocated in accordance drawing (04)02-00 Proposed Ground Floor Plan - Rev:C and in accordance with the local Highway Authority specification.
- 8) The use of the development hereby permitted shall only be carried out in accordance with the Student Traffic Management Plan included in the Transport Statement (Arden Consulting Engineers ref. 2301731-R-01) April 2024.

SCHEDULE ENDS