

Application Number:	2017/1185/C4
Site Address:	1 Shearwater Road, Lincoln.
Target Date:	21st December 2017
Agent Name:	None
Applicant Name:	Mr Quyen Truong
Proposal:	Change of use from existing Dwelling (Class C3) to a flexible use as Dwelling (Class C3) and/or House in Multiple Occupation (Class C4).

Background - Site Location and Description

The application seeks a change of use from a dwellinghouse to a flexible C4/C3 use to enable the property to be used as a House In Multiple Occupation for up to 6 unrelated occupants.

The property was originally a 3 bed detached dwelling although a former living area downstairs has been converted to create a fourth bedroom. Two of the bedrooms within the property are large enough to be occupied by more than one occupant and whilst the applicant has suggested that he may only occupy the property with 3 people to begin with, he would look to occupy with it with the maximum allowed under C4 in the future (6 occupants).

A previous application was granted conditionally by Planning Committee on 31st August 2016 for a first floor, front, side and rear extension (2016/0638/HOU). The applicant has been made aware that should the application currently before us be granted and implemented, the previously granted extension could not be added to the C4 property as the extension was granted to the C3 dwellinghouse. The applicant has been advised that should he wish to extend the property and change the use, then he would need to withdraw the current application and re-submit for a change of use and extension under one application. The applicant has decided to continue with the current application for a flexible C3/C4 use without extending the property.

The applicant has confirmed that he is currently living in the property with his partner and two lodgers, which would fall within the definition of a C3 use. In contrast to this, the same applicant has submitted a Certificate of Lawful Use, in an attempt to prove that the property has been operating as a C4 use during the time of the implementation of the Article 4 Direction and continuing after this time. This application is being considered separately under application 2017/1380/CLE.

13 objections have been submitted against the proposal by local residents.

Site History

Reference:	Description	Status	Decision Date:
2016/0638/HOU	Erection of a first floor front, side and rear extension	Granted Conditionally	31st August 2016

Case Officer Site Visit

Undertaken on 13th November 2017.

Policies Referred to

- Policy LP37: Sub-division and multi-occupation of dwellings within Lincoln 86
- Supplementary Planning Guidance: Houses in Multiple Occupation
- Policy LP26 Design and Amenity

Issues

The issues raised by the application principally relate to those raised in the 'Houses in Multiple Occupation Supplementary Planning Document' and Policies LP26 and LP37 of the Central Lincolnshire Local Plan 2017, they are:

- Impact on amenity of surrounding properties and character of the area
- Loss of single family home
- Concentration of HMOs in area
- External communal space and cycle storage
- Highway Safety

Consultations

Consultations were carried out in accordance with the Statement of Community Involvement, adopted May 2014.

Statutory Consultation Responses

Consultee	Comment
Environmental Health	No objections
Highways & Planning	No objections

Public Consultation Responses

Name	Address
Gerald And Ruth Chapman	9 Shearwater Close Lincoln Lincolnshire LN6 0XU
Mr And Mrs Peters	12 Shearwater Close Lincoln Lincolnshire LN6 0XU
Graham West	12 Shearwater Road Lincoln Lincolnshire LN6 0XX

Keith Hayes	4 Shearwater Close Lincoln Lincolnshire LN6 0XU
Angela Keywood	4 Shearwater Road Lincoln Lincolnshire LN6 0XX
David Bishop	6 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mrs Sue Brown	7 Goldcrest Close Lincoln Lincolnshire LN6 0UX
Mr Michael Jackson	2 Shearwater Close Lincoln Lincolnshire LN6 0XU
Robert Whiley	
Pete And Fran Crowther	5 Shearwater Road Lincoln Lincolnshire LN6 0XX
Nigel Cobbold	10 Shearwater Road Lincoln Lincolnshire LN6 0XX
Mark And Maxine Morley	3 Shearwater Road Lincoln Lincolnshire LN6 0XX
John Williams And Janine Williams	3 Shearwater Close Lincoln Lincolnshire LN6 0XU

Consideration

Principle of the Development

With regard to National Planning Policy, relevant policies and guidance are contained within the National Planning Policy Framework (NPPF), and accompanying Planning

Practice Guidance (PPG), including Paragraph 50 which seeks to "deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities" and Paragraph 58 which seeks to ensure that developments "will function well and add to the overall quality of the area ... respond to local character and history, and reflect the identity of local surroundings and materials".

The issues raised by the application in relation to the principal of the use are those contained within Policy LP37 of the Central Lincolnshire Local Plan, as well as the Supplementary Planning Document. The Policy supports changes of use to Houses of Multiple Occupation where:

- a) the existing dwelling or building is capable of conversion without causing harm to the amenities of future occupants, neighbours and the wider area;
- b) in the case of an existing dwelling, it can be demonstrated that there is an established lack of demand for a single family use of the property concerned;
- c) the development will not lead to or increase an existing over-concentration of such uses in the area;
- d) adequate provision will be made for external communal areas; bin storage and collection and on-site parking and cycle storage unless it can be demonstrated that the site is sustainably located on a regular bus route or within walking distance of the City Centre.

There are also policies within the existing Local Plan which also require consideration such as LP 26 'Design and Amenity' which states that proposals should "respect the existing topography, landscape character and identity and relate well to the site and surroundings..."

Consideration of Issues

12 objections have been received from local residents, principally relating to:

- The change of use to a House in Multiple Occupation changing the character of the area
- Increase in activity, noise and disturbance
- Concerns regarding parking
- Concerns regarding highway safety

Impact on Amenity and Character of the Area

The property, like most others in the vicinity, is detached with a double width drive with a lawned front garden. Parking concerns have been raised by many of the objectors. Parking on the street is unrestricted and therefore it is likely that the proposal would result in a number of cars parking on the street if no external alterations were made to the front of the site. However, the applicant has submitted a drawing showing the existing grass area to be taken up and replaced with hardstanding to accommodate parking. The drawing shows 6 spaces could be accommodated towards the front of the house which are to a minimum highway standard (4.8 x 2.4 metres).

The Highway Authority has raised no objections to the scheme and therefore does not consider the application to have highway safety implications that would constitute a severe impact. Whilst paving the front garden would ensure that on-street parking would not become an issue, I have concerns that this results in a poor impact on the visual amenity

of the wider area.

Neighbouring objections raise concerns with the amount of potential occupants of the property, some expecting up to 8 people to occupy a dwelling of this size. However, if granted the property would have a limit of 6 people under the C4 definition. This number of people is still an increase of the amount of people you would expect to occupy such a property and being unrelated, it is likely to generate much more trips than would be expected from a family. This is highlighted in a recent appeal (APP/M2515/W/17/3180815) "...the nature of vehicle use is likely to differ from a family dwelling as, for example, a family are more likely to share vehicles and trips whereas individual HMO residents may have their own vehicles with a resultant effect on the level of vehicle ownership and associated car parking." Furthermore, the property is located out of the City Centre and therefore more likely that each occupant would have their own car. The character of this area is, of the most part, large well-kept front gardens with grassed areas and I have concerns hardstanding the front garden principally for car parking and the number of potential vehicles that could be parked at the front of this property at a given time would change the character of the area to an unacceptable degree. This is particularly harmful given the prominent position of the property, on the entrance to the estate and on the corner of Shearwater Road and Skellingthorpe Road, a major route within the City. It is not considered that the parking arrangements would respect the character and identity of the area contrary to Policy LP26 of the Central Lincolnshire Local Plan.

Loss of Single Family Home

The applicant states that the application property is currently his home, although this is contested by many of the objectors. In any case, the property has not been marketed as a single family home. Whilst the applicant has submitted information that there is potential demand for the property to be let as a House in Multiple Occupation, the supplementary planning document is clear that "Notwithstanding shared accommodation needs, proposals comprising the conversion of existing residential property to an HMO must demonstrate there is an established lack of demand for the single family use of the property concerned." Evidence should be submitted as part of the application that this has happened and this has not been the case with regard to the application before us.

Furthermore, information the City hold regarding properties in Lincoln indicates that there are no other HMOs within the area. The properties in this area were built as family homes and are occupied as such. The proposal would therefore result in a loss of a family home in an area where it has not been identified that there is a lack of demand for this use, contrary to the SPD and LP 37.

Concentration of HMOs in Area

In accordance with the Supplementary Planning Document, a 10% maximum concentration is applied to a defined 100 metre radius to assess the concentration within that particular area. In this instance this threshold has not been exceeded and the percentage of HMO properties in this location is very low.

There is also a requirement to ensure that proposals do not result in three adjacent HMO's which would result in clusters of HMO's. Based on the information currently held by the planning authority this situation would not arise in this case.

External Communal Space and Cycle Storage

The property has external communal space by way of a rear garden as well as a single garage which can be used for the storage of cycles/bins.

Highway Safety

The Highway Authority have raised no objections to the scheme and therefore do not consider the application to have highway safety implications that would constitute a severe impact.

Application Negotiated either at Pre-Application or During Process of Application

During process to get additional information.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The proposal is contrary to the SPD for Houses in Multiple Occupation and to Policies LP26 and 37 of the Central Lincolnshire Local Plan.

Application Determined within Target Date

No.

Recommendation

That the application is refused

Refusal Reasons:

- 01) The application fails to demonstrate there is an established lack of demand for the single family use of the application property thereby discouraging owner occupation by families and results in a loss of a family home, contrary to Policy LP37 of the Central Lincolnshire Local Plan and the Supplementary Planning Document.
- 02) The paving of the front garden to create the amount of parking spaces required for the proposed change of use would be harmful to visual amenity and would negatively change the character of the area an unacceptable degree. This is particularly harmful given the prominent position of the property, on the entrance to the estate and on the corner of Shearwater Road and Skellingthorpe Road, a major

route within the City. These parking arrangements would not respect the character and identity of the area and would therefore be contrary to Policy LP26 of the Central Lincolnshire Local Plan.