

Application Number:	2019/0084/FUL
Site Address:	26-28 Newport, Lincoln, Lincolnshire
Target Date:	30th March 2019
Agent Name:	Globe Consultants Ltd
Applicant Name:	Mr Mike Clark
Proposal:	Change of use from Guest House (C1) to Student Accommodation (Sui Generis).

Background - Site Location and Description

The application proposes the change of use of the property from Guest House (Use Class C1) to Student Accommodation (15 beds) (Use Class Sui Generis). The application property is Newport Guest House, 26-28 Newport, formerly two three storey mid terrace dwellings, converted to one property for use as a guest house. A three storey extension to the rear of the property was approved in December 2013 and has been implemented on site.

The property is adjoined by two other properties 24 Newport which is currently used as an Orthodontic Practice and 30 Newport which is in residential use.

The site is located within the Newport and Nettleham Road Conservation Area No. 9.

Site History

No relevant site history.

Case Officer Site Visit

Undertaken on 15th March 2019.

Policies Referred to

- Policy LP26 Design and Amenity
- Policy LP37 Sub-division and multi-occupation of dwellings within Lincoln 86
- National Planning Policy Framework

Issues

To assess the proposal with regard to:

- Policy Context
- Lack of Demand and Over Concentration
- Effect upon the Amenities of the Wider Area
- Traffic and Parking

Consultations

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

Statutory Consultation Responses

Consultee	Comment
Highways & Planning	Comments Received
Environmental Health	Comments Received

Public Consultation Responses

Name	Address
Mr Dan Beal	4 Ernest Terrace Lincoln LN1 3DJ
Naomi Maguire	7 Lillys Road Lincoln Lincolnshire LN1 3DH
C D Wilson	18 Newport Lincoln LN1 3DF
P Becton	18 Newport Lincoln LN1 3DF
K Bergens	24 Newport Lincoln Lincolnshire LN1 3DF

Consideration

Policy Context

Paragraph 61 of the National Planning Policy Framework (NPPF) refers to policy text relevant to the need for differing types of housing:

"Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."

The issues raised by the application are those contained within Policy LP37 of the adopted local plan (the Central Lincolnshire Local Plan) and particularly those within the Supplementary Planning Document. The Local Plan and Supplementary Planning Document have been developed from a strong and robust evidence base and gives a clear direction for the consideration of applications that are submitted as a consequence of the

Article 4 Direction.

Policy LP37: Sub-division and multi-occupation of dwellings within Lincoln

The conversion or change of use of existing dwellings and buildings in other uses to self-contained flats or shared accommodation including houses in multiple occupation will be supported 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 there is an established lack of demand for the 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 is 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; and
- e. for student accommodation, university/college facilities are accessible by walking, cycling and public transport.

Purpose built shared accommodation will be granted within appropriate locations where the criteria set out in c to e above are satisfied.

The proposed application is slightly different to those HMO's requiring consent as a result of the implemented Article 4 Direction because Sui Generis (more than 6 bedrooms) HMO's have always required consent. However the same issues are pertinent to larger HMOs.

Lack of Demand and Over Concentration

The aim of this part of the Policy is to ensure that, particularly in areas where there is an existing concentration of HMOs, that those who wish to buy or rent a property as a C3 dwelling are able to do so, as, the Council is aware that often such properties are bought by landlords without formally reaching the market.

The applicant has submitted a letter from an Estate Agent which states that 'there is considered to be a surplus of small Hotels'/Guesthouses currently being offered for sale and demand for such premises is limited due to the availability of low-cost budget hotel rooms within the Lincoln area, which is having a detrimental impact on turnover and profitability of small Hotels and Guesthouses.'

Accordingly the policy tests that would usually be applied in the consideration of a HMO are not strictly relevant in this case. Firstly, it would be unreasonable to require evidence of marketing to demonstrate that there is an established lack of demand for the property as a family home due to the fact that the property has a historic use as a Guest House. The overall size of the property does not lend itself to use as a single family dwelling therefore other uses should be considered in light of the lack of demand for the current use.

The SPD also requires that the concentration of HMOs should not be over a 10% maximum concentration within a defined 100 metre radius. In this instance this threshold has been exceeded. Whilst exceeding this threshold is generally considered a good

indicator of an over development, and therefore inappropriate, there are times when exceptional circumstances may apply. It is considered that the issues relating to the lack of demand for the property for use as a guest house, the physical size of the property which does not lend itself to a single family dwelling and that the property would be managed student accommodation which can provide the opportunity for greater input into its operation, mitigating circumstances apply.

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 occur in this instance.

Effect upon the Amenities of the Wider Area

The City Council's Pollution Control (PC) Officer has confirmed that he has no observations to make regarding noise or other environmental impact over and above those contained in the Council's Article 4 Direction for HMOs and associated Supplementary Planning Document.

In terms of noise and disturbance, officers are mindful that the occupants of the rooms could result in independent adults living together with comings and goings, including at unsocial hours, by these occupants, their friends and other visitors. The proposed use by 15 people would be less intense than the current guest house use which has a maximum capacity of 32 residents. Each tenant would have a tenancy agreement reducing the turnover of resident. It could also be argued that it would be difficult to discriminate against future occupants of this property on these grounds when it is equally plausible that noise could be associated with other residents, particularly in light of the dense configuration and connected street pattern in the wider locality. Consequently, an element of general background noise would not be unexpected in this location.

Therefore, given the established use of the property and the opinion of the Pollution Control Officer, officers are satisfied that it would not be reasonable to resist the application upon the basis of the impact upon wider amenity.

The property itself has 15 large bedrooms 13 having an en-suite. There is a shared laundry, kitchen and lounge on the ground floor which would be available for all occupiers to use. The applicant has indicated an area for cycle storage. Due to the current use of the property facilities are already in place for services such as bin storage. The amenities for future occupants of the property is therefore considered acceptable.

Traffic and Parking

With multiple occupancy of the premises, there is potential for traffic generation and parking to also be intensified. No on-site parking is available for residents however the property has 4 parking spaces which would be used for maintenance vehicles visiting the premises. Ernest Terrace and Lilys Road are subject to residents parking which occupants would not be entitled to a parking permit therefore approval would not add to the on street parking numbers in this area. The site has good access to services, facilities and public transport. It is also within walking distance of Bishop Grosseteste University. As such, officers consider that it would be difficult to object to the application upon these grounds, especially in the context of there not being any concerns raised by the County Council, as Highway Authority.

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

Yes.

Financial Implications

None.

Legal Implications

None.

Equality Implications

None.

Conclusion

The presumption in favour of sustainable development required by the National Planning Policy Framework would apply to the proposal as there would be no conflict with Local Plan Policies in respect of the principle of the development or in respect of any other implications associated with the nature of the use proposed. Moreover, the use would be similar in nature to the previous in terms of its potential impacts so it would not be harmful in respect of the matters of amenity and access. Similarly, there would not be harm to the immediate character of the area.

Application Determined within Target Date

Yes.

Recommendation

That the application is granted conditionally.

Proposed Conditions

- Development to commence within 3 years
- Development to be carried out in accordance with the plans