

<b>Application Number:</b>	2019/0373/FUL
<b>Site Address:</b>	16 St Martins Lane, Lincoln, Lincolnshire
<b>Target Date:</b>	12th July 2019
<b>Agent Name:</b>	None
<b>Applicant Name:</b>	Mr Sath Vaddaram
<b>Proposal:</b>	Change of use from Use Class C3 (Dwellinghouse) to a House in Multiple Occupation (Use Class C4) for up to 6 people (Revised description).

### **Background - Site Location and Description**

The application relates to a two storey property located on the south side of St Martins Lane.

The applicant originally applied for a change of use from a C3 residential property to a house in multiple occupation (HMO)/ self-serviced accommodation for up to 14 occupants although following officer negotiations with the applicant, the proposal has been revised to a change of use from C3 to C4 HMO for up to 6 occupants.

The applicant has defined 'self-serviced accommodation' as rooms which are rented out in a similar manner to a guest house although without a host living at the property. Guests would book a room online then be given a code to access the property and their room. They would have access to use communal facilities within the property during their stay and would be expected to stay from 1 day to a few months. The Planning Authority consider this definition of self-serviced accommodation to fall within the same use class as a HMO (C4) as it would be occupied in the same way albeit guests may stay for shorter periods of time. The description of the development is therefore "Change of use from Use Class C3 (Dwellinghouse) to a House in Multiple Occupation (Use Class C4) for up to 6 people".

Planning permission is required for the proposed development because of a city-wide Article 4 direction that removes permitted development rights for development comprising the change of use from a use falling within Class C3 (dwelling houses) of the Town and Country Planning (Use Classes) Order 1987, as amended; to a use falling within Class C4 (houses in multiple occupation) of that Order.

The property was previously used as an office from 1970s until late 2016 when a prior approval was approved for its use as a C3 residential property.

The property is located within the Cathedral and City Centre Conservation Area No. 1.

### **Site History**

Reference:	Description	Status	Decision Date:
TP391/68	Change of use of existing dwellinghouse f.t.p.o. offices.	Granted	25th November 1968
TP621/73A	Change of use from residential to office use.	Granted	8th December 1973
2016/0825/PAC	Determination as to whether prior approval is required for the	Prior Approval Req and Approved	21st September 2016

	change of use from existing office (Use Class B1 (a)) to Residential (Use Class C3).		
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### **Case Officer Site Visit**

Undertaken on 1st July 2019.

### **Policies Referred to**

- Policy LP26 Design and Amenity
- Policy LP33 Lincoln's City Centre Primary Shopping Area and Central Mixed Use Area
- Policy LP37 Sub-division and multi-occupation of dwellings within Lincoln 86
- Supplementary Planning Guidance Houses in Multiple Occupation
- Houses in Multiple Occupation
- National Planning Policy Framework

### **Issues**

- National and local planning policy
- Impact on residential amenity
- Impact on visual amenity
- Parking provision and cycle storage
- Bin storage and collection
- Crime

### **Consultations**

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

### **Statutory Consultation Responses**

Consultee	Comment
Lincolnshire Police	Comments Received
Lincoln Civic Trust	Comments Received
Highways & Planning	Comments Received

### **Public Consultation Responses**

Name	Address
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Mr Martin Parker	10 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER
Mrs Jane Goulden	12 Michaelgate Lincoln Lincolnshire LN1 3BT
Ms Kate O'Meara	23 Cherry Tree Lane Nettleham Lincoln LN2 2PR
Mrs Rochelle Porter	4 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER
Lucie Nock	The Cheese Society 1 St Martins Lane Lincoln Lincolnshire
Mr Stephen Layton	20 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER
Mrs Renate Birch	34 And A Half Hungate Lincoln Lincolnshire LN1 1ET
Mr Nicholas Hilleard	6 St Cuthberts Court Michaelgate Lincoln Lincolnshire LN1 3ER
Mrs Sue Storey	5 Michaelgate Lincoln Lincolnshire

**Consideration**

## National and Local Planning Policy

Paragraph 61 of the National Planning Policy Framework (2019) 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)."

Specifically, the Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) outlines the relevant local planning policies and assessment criteria for applications for this type of development. The purpose of the Article 4 direction relating to HMOs and this document is not to restrict the supply of HMOs, rather they are intended to manage the future development of HMOs to ensure such developments will not lead to or increase existing over-concentrations of HMOs which are considered harmful to local communities.

Policy LP37 'Sub-division and multi-occupation of dwellings within Lincoln' of the Central Lincolnshire Local Plan (2017) supports the conversion of existing dwellings to houses in 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 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 "

The application site is within the Central Mixed Use area as defined within the Local Plan. LP33 sets out acceptable uses within the Central Mixed Use Area. This is a permissive policy and does not preclude C4 uses within the Central Area. The main focus of this policy is to ensure development does not have a negative impact on the vitality and viability of the City Centre and that development does not result in the area losing its mixed use character.

## Neighbour Comments

There have been various comments on the proposal submitted by the local community including concern regarding the number of occupants who may live in the property, parking concerns, concerns regarding refuse storage, concern regarding lack of outdoor space for residents and increased crime. These issues are discussed throughout this report.

## Policy Consideration

## Lack of Demand for a Family Home

Applications for this type of development are required to demonstrate there is an established lack of demand for the single family use of the property based on current local housing market circumstances. However, the SPD was introduced to control the supply of HMOs given the imbalance they can have when there is a high concentration within residential areas. The property is located within the Central Area as defined in the Local Plan and the neighbouring properties either side are within commercial use. The applicant has submitted information with the application stating that property's position within a commercial area makes it less desirable as a large 4-5 bedroom family home and also submitted general information with regard to other properties for sale in the area. Whilst 6 months marketing of property as a family home has not been undertaken in this case, it is considered that it would be unreasonable to require this given its position on a non-residential street. Furthermore, the property was only in residential use for a short period of time and had been used as an office from the 1970s until September 2016.

The property is not located within a predominantly residential area and given its history as an office, it is not considered a 6 months marketing period would be reasonable in this case. Notwithstanding this, it is considered reasonable to include a condition to allow the flexible use of the property as either a C4 house in multiple occupation or a C3 dwelling house should permission be granted. This gives the applicant the ability to respond to changing local housing market circumstances by letting their properties as either a HMO or a single family dwelling without needing to apply for planning permission. It should also be noted that allowing a flexible use of the property is likely to reduce the chance of the property sitting vacant; as some landlords may otherwise choose to leave the property empty rather than rent it to a family and lose the C4 status, which would be of benefit to the visual amenity and character of the area.

## Concentration

A high concentration of HMOs can lead to an imbalance in the community. Evidence suggests there is some correlation between increasing numbers of HMOs and the following symptoms of imbalance within parts of the city;

- High levels or absence of any specific tenure
- High levels of turnover of housing vacancies
- Abnormally high or low house prices and rents
- A population that is highly fixed or transient
- A local economy that is largely dependent upon a large group of people
- Falling school rolls or changes in the nature of school rolls

Information held by the City Council records shows that the threshold of HMOs has not been reached in this area, meaning that within a 100m radius of the application property less than 10% of properties are HMOs. It is therefore considered that the proposal would not lead to an imbalance in the community from the overconcentration of HMOs in this area.

## Impact on Residential Amenity

The application site has commercial properties on both sides. It is therefore considered that residential amenity would not be harmed to direct neighbours and given it has been established that there is not an overconcentration of HMOs within the area, the impact to

wider neighbours from this development is unlikely to be harmful.

With regard to the amenity of future occupants, the proposal has been reduced in No's of occupants from 14 to a maximum of 6. The property is sizeable and previously used as a 4 bedrooled residential property. The proposed layout would utilise the 4 first floor bedrooms and create two bedrooms downstairs. All of the bedrooms would be double rooms although a condition would be attached to the application to ensure occupation would be no more than 6 people at one time. The applicant has stated that, by the nature of the use, some bedrooms would be unoccupied at certain times and if this is the case, some of the rooms could be occupied by couples providing the total number of occupants within the whole doesn't exceed 6.

It is considered that the property is capable of conversion without harming neighbouring properties and would have sufficient space inside and out to accommodate up to 6 residents in accordance with Policies LP26 and LP37 of the Central Lincolnshire Local Plan.

### Impact on Visual Amenity

Negotiations have been undertaken with the applicant to ensure that the downstairs bedrooms would not be located within rooms within the front ground floor bay windows. These would instead be used as two communal kitchens to be used by all the occupants, which would maintain activity within the ground floor rooms fronting the street. The applicant has not proposed any external alterations to the property to facilitate the proposed change of use. It is, therefore, considered the proposed development would not alter the character and appearance of the Conservation Area nor the application property. In order to preserve the character and appearance of the property in the future, it would be prudent to remove permitted development via condition to ensure the Planning Authority have control over future alterations such as window replacements.

### Parking Provision and Cycle Storage

LP37 states that adequate on-site parking and cycle storage should be provided unless it can be demonstrated that the site is sustainably located on a regular bus route or within walking distance of the City Centre with good access to public transport. The application property is located within the Central Mixed Use Area and within a short walk from the High Street. Occupiers staying temporarily will have access to local car parks and good access to public transport. The applicant has stated that secure cycle storage will be available to the rear of the property. The City Council's Parking Services have confirmed that the property is not located within a residents parking zone and therefore occupants of this property would not have access to permits for any residents parking areas. There are double yellow lines on both sides of the road directly outside the application property restricting parking. There is no available on street parking within the vicinity of this site that is not either subject to limited waiting or within a Residents Parking Zone. Lincolnshire County Council, as Highways Authority, have considered the application and concluded that the proposed use is acceptable in terms of impact on Highway Safety and Traffic Capacity. The application complies with Policy LP37 in terms of parking and cycle provision.

### Bin Storage and Collection

Consultation with the Cleansing Services Team within the City Council have confirmed that

the type of occupation of the property would produce waste classed as trade waste and therefore not dealt with by the domestic waste collection service offered by the Council. The applicant has set out the arrangements for waste collection at the property which would include collecting the waste daily which would be taken to an industrial unit elsewhere in the City where it would be collected via a skip.

The applicant has set out appropriate arrangements for refuse collection and no objections have been received via the Council's Cleansing Services Team. This arrangement would mean that there would not be wheelie bins in the front yard of the property which would also in turn preserve the character and appearance of the Conservation Area.

### Crime

Some of the comments submitted by the local community have raised concerns regarding increased crime following the comments from Lincolnshire Police. The comments from the Police do not suggest that the change of use would increase crime, only that HMOs can become vulnerable to crime and anti-social behaviour without the appropriate security arrangements. They have raised no objections to the proposal although provided guidance and information for the applicant to ensure that security arrangements and provisions are properly planned for the premises.

### **Financial Implications**

None.

### **Legal Implications**

None.

### **Equality Implications**

None.

### **Conclusion**

The proposed change of use would not cause harm to the amenities of future occupants, neighbours and the wider area nor lead to or increase an existing over-concentration of HMOs, in accordance with Policy LP37 of the Central Lincolnshire Local Plan (2017) and relevant guidance within the National Planning Policy Framework.

### **Application Determined within Target Date**

Yes.

### **Recommendation**

That the application is granted conditionally.

### **Standard Conditions**

- 01) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- 02) With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the drawings listed within Table A below.  
The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans.

**Conditions to be discharged before commencement of works**

None.

**Conditions to be discharged before use is implemented**

None.

**Conditions to be adhered to at all times**

- 03) No more than 6 residents shall at any time occupy the property whilst it is in use as a C4 dwelling house (house in multiple occupancy whereby the premises is occupied by unrelated individuals who share basic amenities).

Reason: The occupancy of the property by more than three residents could be harmful to amenity.

- 04) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent re-enactment or revocation thereof) the property subject to this change of use shall not be enlarged, improved or otherwise altered without the prior consent of the City Council as Local Planning Authority.

Reason: In the interests of the privacy and amenity of neighbouring residents.

- 05) The C4 (Houses in Multiple Occupation) use is permitted to change from C4 to C3 (Dwellinghouses) and back again to C4 without the need for a further application for planning permission for an unlimited number of times for a period limited to ten years hence from the date of this permission.

Reason: In order that the owner can reasonably respond to local housing market circumstances for a period of ten years.