

<b>APPLICATION NO</b>	<b>PA/2020/962</b>
<b>APPLICANT</b>	Mr David Dowbusz, M&J Pido Properties SPV Ltd
<b>DEVELOPMENT</b>	Planning permission to change the use of a dwelling to a seven-person house in multiple occupation (HMO), including loft conversion, and two-storey and single-storey extensions to rear
<b>LOCATION</b>	34 Ferry Road, Scunthorpe, DN15 8QE
<b>PARISH</b>	Scunthorpe
<b>WARD</b>	Crosby and Park
<b>CASE OFFICER</b>	Andrew Cotton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Christine O'Sullivan – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'

Paragraph 12 states, 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 54 states, 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

Paragraph 59 states, 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

Paragraph 70 states, 'Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.'

Paragraph 73 states, 'Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where

the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:

- (a) 5% to ensure choice and competition in the market for land; or
- (b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- (c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'

Paragraph 74 states, 'A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- (a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- (b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.'

Paragraph 75 states, 'To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.'

Paragraph 163 states, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

### **North Lincolnshire Local Plan:**

Policy DS1 (General Requirements)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

## **CONSULTATIONS:**

**Highways:** No objection or comments.

**LLFA:** No objection or comments.

**Recycling:** No objection, but consideration must be given to bin storage. Make the following comments:

The application form states that a dedicated block paved area will be provided in the front garden for waste bins to be sited, however no arrangements have been made for the separate storage and collection of recyclable waste.

The property would be allocated a maximum capacity of 1100 litres for general waste and 1100 litres for plastic and cardboard collected fortnightly, whether this is in three 360 litre bins for general waste and four 240 litre bins for plastic and cardboard, or an 1100 litre container for each.

Separate arrangements would also be needed for paper and glass which can either be collected in several 38 litre kerbside recycling boxes or a 240 litre bin for paper and a 240 litre bin for glass.

The dedicated area at the front of the property should be sensitively located and would need to be large enough to accommodate all the bins and/or boxes required.

**Housing:** In terms of the potential for impact of shared homes, make the following comments:

A high concentration of shared homes can sometimes cause problems, especially if too many properties in one area are let to short-term tenants, creating a transient community. The applicant should be made aware that it would be an offence for the property to be occupied by five or more people who form two separate households with shared amenities without being licensed.

This department therefore requests the following note to applicant:

- Under Section 55 (2a) of the Housing Act 2004, any property that is to be occupied by five or more people who form two or more separate households and who share at least one basic amenity such as a kitchen, bathroom or toilet, falls under the Houses in Multiple Occupation (HMO) Mandatory Licensing scheme and therefore will require licensing upon completion and before it is occupied. Further details regarding how to apply can be found here:

<https://www.northlincs.gov.uk/council-tax-benefits-and-housing/housing/mandatory-hmo-licensing>

- There are certain exemptions to Mandatory Licensing and one such exemption is: where the HMO is a flat in a purpose-built block of three or more flats, it is exempt from the Mandatory Licensing scheme.
- Under The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, sleeping accommodation must comply with the following mandatory space standards:

<b>Persons</b>	<b>Age</b>	<b>Minimum sleeping space</b>
One person	Aged 10 and under	Not less than 4.64 square metres
One person	Aged over 10	Not less than 6.51 square metres
Two persons	Aged over 10	Not less than 10.22 square metres

- **Note:** Any part of the floor area of sleeping accommodation in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room.
- Where sleeping accommodation does not comply with the mandatory space standards, the property would not be suitable for licensing, unless alterations took place to the sleeping accommodation. You will need to check if planning permission or Building Regulations approval is required for any such alterations.

## PUBLICITY

A site notice has been posted. Five responses have been received objecting to the proposal, raising the following concerns:

- 34 Ferry Road is a vacant property and is not occupied as stated on the planning application
- the proposed plans are the loss of a family home; all houses in the surrounding area are family homes with no HMO properties
- the proposal would result in loss of privacy, overshadowing, overcrowding, and extra noise and disturbance
- the proposal is unappealing, ugly and unsightly
- high density, out of character, overbearing and out of scale, over-development of a family home
- bin storage and parking issues
- the potential for a road traffic accident due to an increase in parking on the road
- increased comings and goings from the site
- the potential for antisocial behaviour.

## ASSESSMENT

### Site

The application site comprises a semi-detached property on the southern side of Ferry Road, within the built-up area of Scunthorpe, where the surrounding houses are of similar characteristics and size.

## **Proposal**

Permission is sought to change the use of the dwelling to a seven-person house of multiple occupancy (HMO). To facilitate the use, the application also proposes a part two-storey/part single-storey rear extension and rear dormer window.

**The main issues to consider are whether the principle of a change of use to an HMO is acceptable, and whether the proposal has any significant impacts upon visual amenity, residential amenity or highway safety.**

### **Principle of development**

The site lies on the southern side of Ferry Road within the defined settlement boundary of Scunthorpe. The main issue is whether the principle of a change of use to an HMO is acceptable in policy terms.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011), and the Housing and Employment Land Allocations DPD (2016).

Policy CS1 of the CS is concerned with the overarching spatial strategy for North Lincolnshire. Scunthorpe is North Lincolnshire's largest settlement and is identified as a Sub Regional Town in the Regional Spatial Strategy (RSS). It states that Scunthorpe will be the main location for new housing and employment development.

Policy CS2 sets out a sequential approach to development on certain land types. It states that development should be focused on, inter alia, 'previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions.'

The current use of the property is as a single dwelling and an HMO is considered to be a single dwelling. The proposal is wholly located within the settlement boundary of Scunthorpe and would represent infill development set within a populated residential area. The principle of development is therefore considered acceptable.

### **Visual amenity**

Paragraphs 124 and 130 of the NPPF express the importance of good design, high quality buildings and improving the character and quality of an area.

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) states that '...all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

The applicant proposes the installation of a rear dormer window and a part two-storey/part single-storey rear extension to facilitate the use.

Paragraph 1.13 of SPG1 states that '..Dormer windows should be smaller than windows on lower floors, should respect the proportions of existing openings on the house frontage,

and should normally have gabled or hipped roofs. It is better to have two small dormers rather than one large one. Painted or stained boarding to the side cheeks and apex of dormers should be avoided; render or sheet lead is more appropriate in the local context.'

The dormer is to be sited to the rear roof plane, is to be set down from the main ridge, set in from the side wall and incorporate a flat roof. Whilst it cannot be contested that the design would conflict with guidance within the SPG, the mitigating factor in this instance is that it is sited to the rear and would not be visible within the street scene. The proposed materials and finishes would be in keeping with those existing which would ensure that the dormer would integrate with the original dwelling.

The single-storey rear extension is to project 6 metres from the rear elevation, with the two-storey element projecting 3 metres from the rear elevation. The extension would be proportionate in both scale and massing. The proposed extension and rear wall of the original dwelling are to be rendered and painted cream. Despite the materials being at odds with the dwelling, these would appear to integrate well and give a consistent appearance to the rear elevation. The proposed style, proportion and position of the proposed openings are considered to be well balanced and proportionate to the original building.

On balance, and given the predominant works to the rear elevation, the proposed development is considered to comply with policies DS1 and DS5 of the adopted local plan and CS5 of the Core Strategy.

## **Residential amenity**

Policy DS1 is partly concerned with impacts upon residential amenity. It states that 'no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

## **HMO**

The applicant proposes to convert the building to form a six-bed HMO and naturally will introduce impacts by way of noise to existing residents. The council's Environmental Protection team have reviewed the application and have no objections to the proposal.

Internally it would appear that the arrangement of bedrooms along with kitchen and day room is acceptable. In terms of space standards for residents, this is something that has not been assessed by planning, however any future landlord would be expected to meet the tests as being fit and proper under The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.

## ***Rear dormer and two-storey rear extension***

The proposed dormer within the rear roof plane is considered to be of a scale and in a location that would not result in undue loss of light. Given the scale and nature of the proposed development, it would not appear overbearing or result in any undue overshadowing of the neighbouring properties. The siting of the dormer is such that it would not look directly into any habitable facing room windows, ensuring no overlooking in this regard.

Given the proposed position and scale of the two-storey rear element of the proposal, this would not breach the 30 or 45 degree rule set out in SPG1 when measured vertically and

horizontally against the neighbouring properties. The proposed-single storey rear extension would intersect a 45 degree line taken from the adjoining neighbour's ground-floor rear window. However, the point at which the proposed extension would intersect the 45 degree line is 3.6 metres from the rear elevation of the property and 1.6 metres set in from the common boundary. Additionally, the roof form of the proposed extension is flat with a maximum height of 2.85 metres. It is considered, taking into account material factors, that there would be no unacceptable impact to the rear window of the adjoining property in this instance as to warrant refusal.

Therefore, the living conditions of current and future occupiers of the neighbouring property would not be detrimentally impacted by the addition of the dormer window, two-storey and single-storey rear extension.

It is therefore considered that the proposal would be in accordance with policy DS1 of the North Lincolnshire Local Plan.

### **Highway safety**

No objections have been raised by the highways department in relation to highway safety. The applicant intends to maintain the existing parking space at the front of the property. The site is in a sustainable location for residential use as it is accessible by walking or cycling, and is on a bus route. The site is within close proximity to shops, employment opportunities and leisure facilities.

### **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

#### **Reason**

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Floor Plans and Elevations ref: 202010-3.01 Rev A.

#### **Reason**

For the avoidance of doubt and in the interests of proper planning.

### **Informative 1**

- Under Section 55 (2a) of the Housing Act 2004, any property that is to be occupied by five or more people who form two or more separate households and who share at least one basic amenity such as a kitchen, bathroom or toilet, falls under the Houses in Multiple Occupation (HMO) Mandatory Licensing scheme and therefore will require licensing upon completion and before it is occupied. Further details regarding how to apply can be found here:

<https://www.northlincs.gov.uk/council-tax-benefits-and-housing/housing/mandatory-hmo-licensing>

- There are certain exemptions to Mandatory Licensing and one such exemption is: where the HMO is a flat in a purpose-built block of three or more flats, it is exempt from the Mandatory Licensing scheme.
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- **Note:** Any part of the floor area of sleeping accommodation in relation to which the height of the ceiling is less than 1.5 metres is not to be taken into account in determining the floor area of that room.
- Where sleeping accommodation does not comply with the mandatory space standards, the property would not be suitable for licensing, unless alterations took place to the sleeping accommodation. You will need to check if planning permission or Building Regulations approval is required for any such alterations.

## **Informative 2**

The property would be allocated a maximum capacity of 1100 litres for general waste and 1100 litres for plastic and cardboard collected fortnightly, whether this is in three 360 litre bins for general waste and four 240 litre bins for plastic and cardboard, or an 1100 litre container for each.

Separate arrangements would also be needed for paper and glass which can either be collected in several 38 litre kerbside recycling boxes or a 240 litre bin for paper and a 240 litre bin for glass.

The dedicated area at the front of the property should be sensitively located and would need to be large enough to accommodate all the bins and/or boxes required.

The 240 litre wheeled bin dimensions are:

- 580 millimetres width;
- 740 millimetres depth;
- 1100 millimetres height.

The 360 litre wheeled bin dimensions are:

- 665 millimetres width;
- 880 millimetres depth;
- 1150 millimetres height.

The 1100 litre wheeled bin dimensions are:

- 1250 millimetres width:

- 980 millimetres depth;
- 1355 millimetres height.

The box dimensions are:

- 585 millimetres width;
- 385 millimetres depth;
- 275 millimetres height.

It is recommended that a bin store is constructed to ensure bins are kept securely whilst on the property and to prevent others from using the bins. Charges will be made for any containers lost or stolen. The construction of bin stores should be able to withstand the rigors of refuse collection, remembering stores are there for decades rather than just years. The council's crews will not carry keys. Combination locks or keypads are acceptable.

Communal bin stores should be laid out in a linear form. A walkway of at least 1.4 metres wide should be provided within a bin store that allows access to each of the individual waste containers and ensures that individual bins can be removed from the store without the need to shuffle around any of the other bins.

The bin storage areas must not be more than 25 metres from the kerbside. Any pathways should take the most direct route possible to the kerbside and avoid the need to pull bins past parked cars or parking bays. Pathways should be a smooth, solid surface and any steps should incorporate a dropped-kerb.

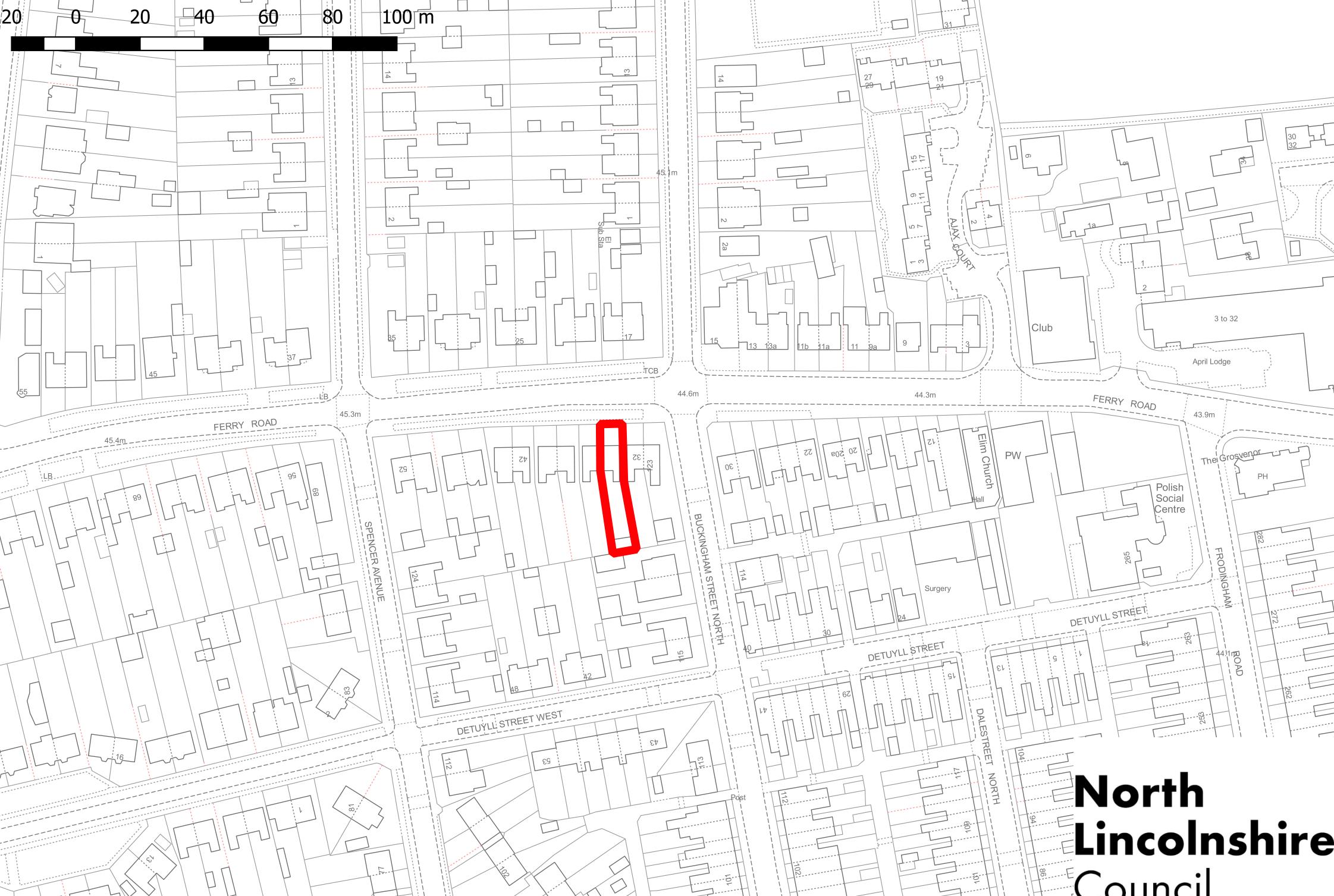
The council requires signs to be provided to inform residents where storage areas for non-recyclable waste and recyclable materials are located, with the signs placed in a suitable prominent position to clearly identify the bin storage area. The branding and the message placed on signs will be provided by the council.

To enable occupants to manage their non-recyclable waste and recyclable materials, developers should provide the necessary internal storage space for the separation of non-recyclable waste and recyclable materials into three separate containers, prior to the transfer of that material to an external bin.

On-site composting should be provided in private gardens. The council can supply a compost bin for garden and uncooked fruit and vegetable waste. Alternatively, we can provide a brown bin for garden waste only.

### **Informative 3**

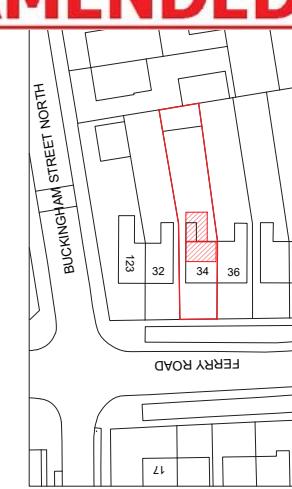
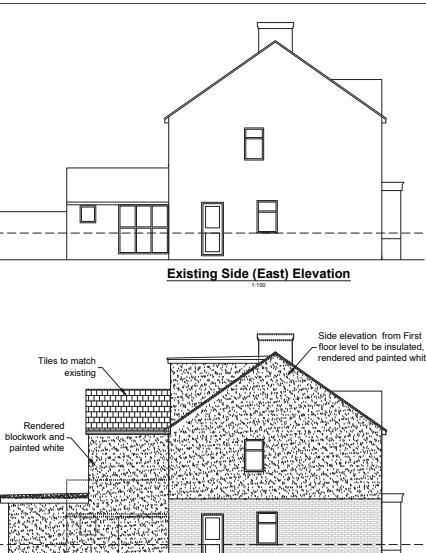
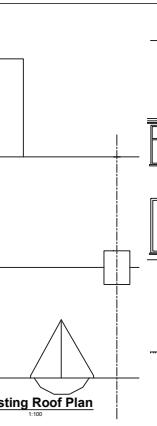
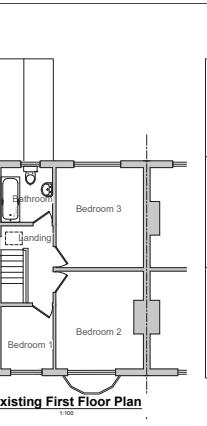
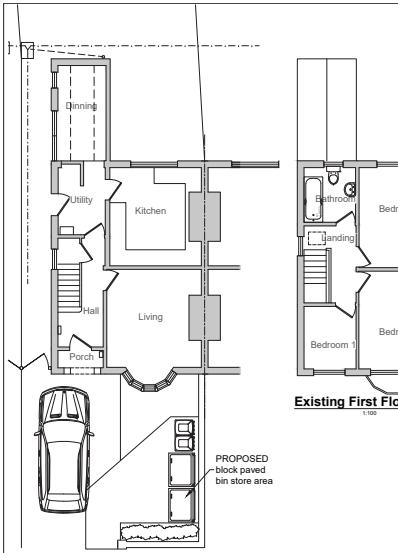
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



**North  
Lincolnshire  
Council**

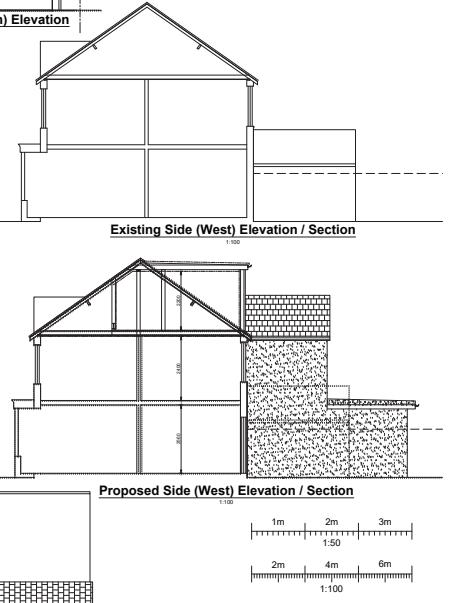
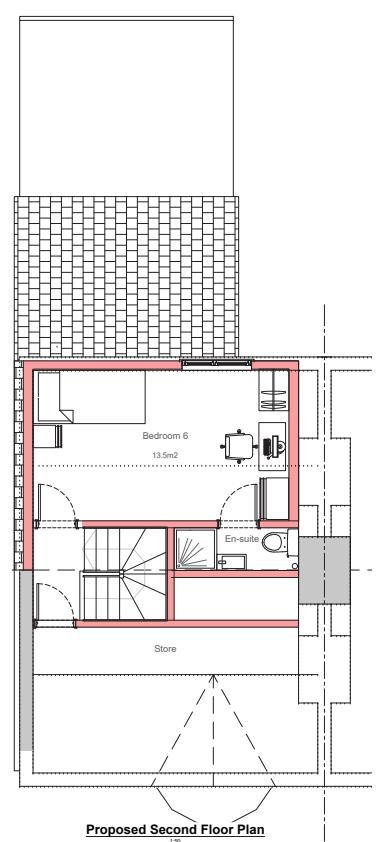
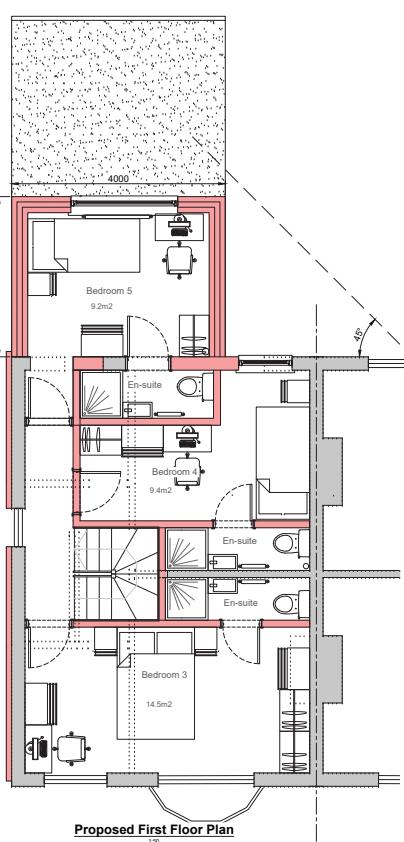
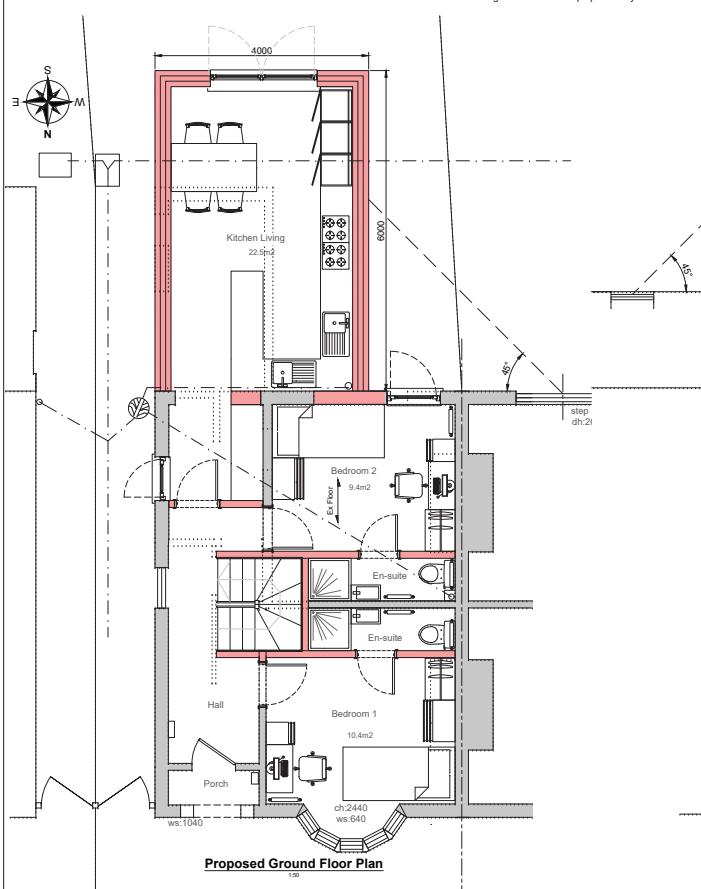
**PA/2020/962**

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**AMENDED**

**NOTES:**

1. This drawing is for planning purpose only and not for construction.
2. Unless evident during the survey the existing drawing assumes all walls are perpendicular to each other and not diagonal.
3. Drawings can be scaled where dimensions are not provided for Planning purpose only.
4. All internal finishes and fittings to be used is the responsibility of the client. Any layouts on these drawings are for indicative purposes only.



A	29/06/2020	Domer narrowed and height reduced, single storey extension height reduced, car parking and bins area shown	GJ
-	29/06/2020	Issued for approval	GJ
Rev Date		Description	By
Client:	TD Smart Properties Ltd		
Project:	34 Ferry Road Scunthorpe DN15 8QE		
Title:	Part double part single storey rear extension, loft conversion and conversion into 7 people HMO		
Status:	PLANNING		
Designed by:	GJ	Date:	June 2020
Scales @ A1:	1:100	1:50	
Drawing No:	200210 - 3.01	Rev:	A