

<b>APPLICATION NO</b>	<b>PA/2024/132</b>
<b>APPLICANT</b>	Ifran Hussain
<b>DEVELOPMENT</b>	Planning permission for change of use of grocery store and flat to form a 10-bedroomed House of Multiple Occupation (HMO) including the erection of a two-storey side extension and small front extension at ground floor
<b>LOCATION</b>	37 Jackson Road, Scunthorpe, DN15 8ET
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Crosby and Park
<b>CASE OFFICER</b>	Daniel Puttick
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Christine O'Sullivan – significant public interest)

## **POLICIES**

### **National Planning Policy Framework:**

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well-designed and beautiful places

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

- H5 (Part saved) new housing development
- H6 Flats above shops and the use of vacant buildings for housing
- H8 Housing design and mix
- T2 Access to development
- T19 Car parking provision and standards
- DS1 General requirements

DS7 Contaminated land

DS14 Foul sewage and surface water drainage

DS16 Flood risk

**North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS19 Flood risk

CS25 Promoting sustainable transport

**Housing and Employment Land Allocations DPD:** The site is within the development limits of Scunthorpe.

PS1 Presumption in favour of sustainable development

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until late 2024.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

H10 Flats above shops and the use of vacant buildings for housing

H12 Houses in multiple occupation

DM1 General requirements

DQE5 Managing flood risk

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

## **CONSULTATIONS**

**Highways:** Looking at the submitted information the proposal is acceptable in principle, due to the fact the location is classed as an Urban Area and is in a sustainable location with easy access to public transport and there is a car park within walking distance. In their Design and Access Statement they are providing 4 parking space and 6 bicycle spaces so with this in mind I would advise that the following condition be applied to any permission you may be minded to grant on this planning application:

Adequate cycle parking facilities shall be provided in accordance with details to be submitted and agreed in writing by the local planning authority. Once provided the cycle parking facilities shall thereafter be retained. (Reason: In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.)

**LLFA Drainage:** No objections or conditions, but recommend an informative advising the developer considers investigating existing surface water drainage arrangements and upsizing the pipe network.

**Environmental Protection:** Recommend a condition to secure details for the treatment of any contaminated land found during development.

**Environmental Health and Housing:** Advice provided in relation to HMOs, Building Regulations approval and other legislation.

**Recycling and Waste:** Advice provided in relation to waste management and refuse collection. Due to the number of potential residents the property requires a minimum of 240l glass, 240l paper, 1000l and 600l general, as well as 1000l and 600l plastic, card and cans refuse containers.

**Humberside Police:** No objections – advisory notes provided in relation to safety and security, access controls, external lighting and boundary treatments.

## **PUBLICITY**

A site notice has been displayed – 36 letters of objection and 3 letters of support have been received. The letters of support indicate that the current building is empty and an eyesore and highlight that the site would be suitable for working people being located near to Foxhills Industrial Estate. The following is a summary of the material considerations raised by those objecting to the application:

- the building would be an eyesore

- concerns raised in relation to antisocial behaviour and amount of litter, with a number of objections highlighting existing problems with antisocial behaviour in the area
- the property is not large enough to accommodate the number of people proposed and doesn't provide sufficient facilities
- the development would increase car parking demand and risk pedestrian safety.

A number of objections raise concerns which are not material considerations. These extend to concerns about impact on house values, as well as assumptions about the nationality and background of future occupants. These are matters which cannot be taken into account and should have no bearing on the determination of the application.

## **ASSESSMENT**

### **Planning history**

There is no relevant planning history for the site.

### **Site characteristics**

The site is within the settlement limits of Scunthorpe. It comprises of an existing semi-detached property containing a former sweet shop and flat above. The property is in a state of disrepair and is currently unoccupied. The site is within flood zone 1 and is not located within any conservation area or the setting of any listed buildings.

Jackson Road and surrounding streets are residential in nature. The site backs onto the St Lawrence Academy school, and there are a small range of local services and facilities in the vicinity, including convenience retail stores, supermarket, public buildings and other facilities located on Doncaster Road to the south. The town centre is a short distance to the east, providing convenient access to the range of shops and services located here.

### **Proposal**

Planning permission is sought for the change of use and extension of the building to provide a 10-bedroom house in multiple occupation (HMO). The accommodation would comprise 10 bedrooms with shared kitchen and dining facilities, with residents sharing two bathrooms, one on each floor.

The proposed development would be facilitated by the construction of a two-storey side extension. A garage to the rear of the building would provide secure storage for bicycles, with the garden area providing space for commercial-sized refuse containers. Parking provision would be made for four vehicles to the front of the property, with the dropped kerb proposed to be extended in width across the site frontage.

Externally it is proposed to remove the existing shopfront and re-introduce the bay window feature at ground-floor level, matching the proportions of the bay above. The extension would be constructed of materials to match the existing building, and new openings in the side elevation of the extension would serve bathrooms and the landing area at first-floor level.

## **Material considerations**

As set out above, planning permission is sought for the material change of use of the property to provide a 10-bedroomed HMO with associated parking, cycle storage and refuse containers.

**The main issues in the determination of this application are:**

- **principle of development**
- **impact on the character and appearance of the area**
- **residential amenity**
- **flood risk and drainage**
- **highway safety.**

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP), which was adopted in May 2003; the North Lincolnshire Core Strategy (NLCS), which was adopted in June 2011; and the Housing and Employment Land Allocations (HELA) DPD, which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The development plan identifies Scunthorpe as the major sub-regional town, supported by market towns, rural settlements and rural settlements in the countryside. Through the combination of the Core Strategy, HELA and local plan, the council are seeking to facilitate an urban renaissance in Scunthorpe, with policy CS1 of the Core Strategy identifying it as the focus for the majority of new development and growth.

This policy indicates that the town centre will be the main focus of new retail, leisure, commercial office and cultural developments in the area. As part of the urban renaissance programme, significant regeneration will take place within the town centre to provide new retail opportunities, a new market hall, cultural and leisure facilities, as well as enhancements to the public realm and urban fabric. The use of high quality and innovative design will be supported in the town centre. Mixed use development is encouraged in the town centre through policy CS1.

Policy CS2 of the Core Strategy indicates that development should be focused on previously developed land and buildings within Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions. The policy prioritises Scunthorpe as the main settlement to support the delivery of the spatial strategy identified in policy CS1. Policy CS3 of the Core Strategy identifies development limits for settlements across North Lincolnshire, and aims to steer development to within these boundaries.

Policy CS7 of the Core Strategy identifies a need for 12,063 new dwellings at a rate of 754 new dwellings per year on average throughout the plan period between 2010 to 2026. It indicates that all proposals for housing should include a variety of housing types, sizes and tenures to meet the local housing needs.

Policy CS8 of the Core Strategy identifies that the principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe, followed by a greenfield urban extension to the west of the town. It states that 82% of new dwellings will be located in and adjacent to the urban area, equating to 9,892 dwellings during the plan period.

Policy H6 of the local plan states that the use of premises above shops for residential uses will be permitted provided that there is no conflict with existing land uses and that there is adequate access and car parking nearby. It goes on to state that elsewhere the council will seek to maximise the residential use of both vacant and under-used housing.

The site is located to the west of the town centre, within convenient walking distance of local shops, services, facilities and cultural venues. In addition to this, the site is well placed in terms of access to public transport, healthcare and employment opportunities. The change of use of the building would facilitate the creation of a larger HMO and result in the re-use of an existing vacant building, providing housing accommodation within a sustainable location.

The existing property is vacant and in need of refurbishment. Consistent with the aims of policy H6 of the Local Plan, the provision of a larger HMO would maximise the residential use of the building, providing accommodation for up to 10 people within a sustainable location close to the town centre.

The principle of the development is considered acceptable in accordance with the spatial distribution aims of policies CS1, CS2 and CS3 of the Core Strategy, and would re-use a vacant building providing residential accommodation in accordance with the aims of policy H6 of the local plan and the wider aims of policies CS7 and CS8 of the Core Strategy.

### **Impact on the character and appearance of the area**

Policies CS5 of the Core Strategy and DS1 of the local plan expect a high standard of design in all developments, the latter establishing a set of criteria on which development will be assessed.

Paragraph 135 states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and that they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, amongst other requirements.

The existing building is in a poor condition and in need of refurbishment. The run-down appearance of the property currently detracts from the character of the area and has a negative effect on the street scene. The proposed refurbishment of the property would be facilitated by the construction of a two-storey side extension, which would have matching proportions to the existing property and would be set back from the principal elevation of the existing building ensuring it is read as an extension rather than part of the original building.

The extension is considered to be of an appropriate size and design to the host property. It would not appear as a disproportionate addition to the building, and would read as a sympathetic addition. The removal of the shopfront would restore the residential character of the building, with the construction of the bay window at ground-floor level reintroducing a feature which is likely to have been lost through the installation of the shop front.

A condition requiring materials to match those used in the existing building would ensure the finish of the extension reflects the appearance of the existing property. Subject to accordance with such a condition, the proposed development is considered acceptable in terms of its design.

The refurbishment of the property would result in an enhancement to the character and appearance of the area, and would see the building contribute positively to the street scene once more. The benefits of refurbishing the property and resultant positive impacts upon the character and appearance of the area are matters which weigh in favour of the application, and are afforded significant weight in the overall planning balance. In this context, the proposed development is considered acceptable in accordance with policies CS5 of the Core Strategy and DS1 of the local plan.

### **Residential amenity**

Policy DS1 of the local plan is partly concerned with impacts upon residential amenity. It states, '...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.' Policy DS11 of the local plan is concerned with polluting activities; both are considered relevant.

Paragraph 135 of the NPPF states, amongst other matters, that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

By virtue of the size of the extension and separation between the neighbouring property to the west, the development would not result in adverse impacts on occupants of existing properties in terms of any loss of sunlight, outlook or overbearing impacts. The proposed windows on the west elevation of the proposed extension would serve bathrooms and a landing. Subject to a condition requiring the windows serving the bathrooms to be obscure glazed there would be no adverse impacts on the amenity of occupants of the dwelling or neighbouring properties in terms of privacy and overlooking.

The property is within a residential area, and although close to local shops and services, they are sufficiently distanced such that occupants of the property would not be affected by noise or other disturbance from these businesses. The site abuts the school to the south, however there is no longer any vehicular or pedestrian access to the side of the property and as such residents would be unlikely to be affected by students and other vehicles or visitors arriving or departing from the school site. As with other properties within Jackson Road, occupants of the property would benefit from good access to local services and facilities capable of meeting day-to-day needs.

A number of objections raise concerns about the size of the property and level of accommodation provided for occupants. The use of the property as a larger HMO would be regulated by the licensing authority under the council's mandatory licensing scheme. The council's Environmental Health and Housing Team have commented on the application,

and reference is made to amenity standards set out in Houses in Multiple Occupation (HMO) Amenity Standards Guide. The comments indicate that the kitchen area falls below the standards contained within the guide, and that the bathrooms do not meet required standards.

The guide does not form part of the statutory development plan and for planning purposes is not a document against which the proposal has been assessed. The document is a guide and a decision as to whether to grant a licence remains with the licensing authority. From a planning perspective, nine of the ten bedrooms would exceed nationally described space standards, with one falling only very marginally below. Whilst shared facilities are slightly below those sought in the Amenity Standards Guide, as most bedrooms in the property offer spacious accommodation, and given that residents would have good access to local services and facilities, including green spaces and leisure/cultural/retail opportunities, occupants of the property would generally benefit from good living conditions. In light of this, the proposals are considered acceptable in accordance with policies H5 and DS1 of the local plan, and CS5 of the Core Strategy.

Notwithstanding the above conclusion, members are reminded that the decision as to whether to grant a licence for the premises to be used as a larger HMO remains with the licensing authority. The Amenity Standards Guide does not form part of the development plan and is a guidance document which provides a means of establishing whether a licence for the property should be granted, as opposed to whether the use of the building as an HMO is acceptable in planning terms.

Concerns have also been raised by residents about the potential for antisocial behaviour, with a number of comments suggesting that occupants of the property would be likely to be foreign or have links to criminal behaviour, including drug use.

Antisocial behaviour, crime and the fear of crime are material considerations, however there is no evidence presented within any of the comments submitted raising these concerns that would indicate this would be the case in the event that planning permission is granted. The application site is in a residential area where the use of the property as a larger HMO is acceptable in planning terms. The authority's database indicates that there are very few HMOs in the local area, and as such the creation of an additional property would not be likely to undermine the vitality of the area or result in the concentration of a large number of HMOs in a small geographical area. Consequently, the effect of the development is unlikely to have significant impacts upon the overall character of the area, which is residential in nature, even though it predominantly features family housing and smaller flats. In addition, there is no evidence to suggest that the introduction of the HMO would result in an increase in crime and antisocial behaviour in the area, and Humberside Police raise no objections to the proposal.

Concerns have also been raised about potential disturbance for existing residents associated with the anticipated comings and goings of occupants of the property. Whilst some of these concerns appear to be linked to pre-conceived assumptions about future occupants of the building, potential disturbance associated with the use of the property as an HMO is a material consideration.

Provision would be made for the parking of four vehicles at the property, with further provision made for cycle parking to the rear. Given the site's location close to the town centre where there are a range of services, facilities and employment opportunities, and where there is good access to public transport links, it is likely that occupants of the



property would not be reliant upon private modes of transport. The site's location offers realistic prospects for sustainable modes of transport to be utilised, with provision for cycle parking likely to encourage occupants to reduce their reliance upon cars.

As a result, it is unlikely that occupants of the property will be reliant upon private modes of transport and it is therefore likely that vehicular movements to and from the property would be below the level local residents expect to be generated. Officers consider that the extent of impacts on residential amenity caused by comings and goings from the property would be unlikely to be harmful for occupants of properties within Jackson Road for these reasons.

In view of the above, the proposed development would not be considered to result in adverse impacts upon the amenity of occupants of existing dwellings in the area. Not all rooms within the property would meet nationally described space standards and as a result there would be a shortfall in accommodation within the property. However, this shortfall relates to one bedroom which is marginally below nationally described space standards, and therefore on balance the overall level of accommodation provided is considered to be acceptable. On balance, the application is considered to be acceptable in accordance with the aims of policies DS1 and H5 of the local plan, CS5 of the Core Strategy, and paragraph 135 of the NPPF.

### **Highway safety**

Policies T1 and T19 of the local plan collectively seek to ensure developments are well-located in terms of access and provide sufficient parking to accommodate the vehicular demands of the proposed use.

Paragraph 115 of the NPPF is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application has been assessed by the council's highway officers who have no objections to the application and note that the property is within an urban area in a sustainable location, with easy access to public transport and a public car park also within walking distance of the site.

As set out above, provision would be made for the parking of four vehicles and cycle storage within the site. Given the site's location, occupants of the property would have realistic opportunities to utilise sustainable modes of transport, reducing reliance upon private transport modes. Coupled with this, on-street parking in the area is unrestricted and there are public car parks available nearby for visitors and residents to use.

In the absence of any objection from the highway authority, and in light of the location of the property, the proposed change of use would not be considered to give rise to any impact on road safety to a degree that would justify withholding planning permission.

A condition has been recommended to secure further details for cycle parking. The proposed plans indicate the garage to the rear of the property would be utilised to provide secure and covered cycle storage space. This is considered acceptable and a condition to secure further details is not considered necessary. Instead, it is recommended that a condition be imposed to ensure that provision is made for vehicle parking and cycle storage prior to first occupation of the property and thereafter retained. Subject to accordance with

such a condition, the development is considered acceptable in accordance with policies T1 and T19 of the local plan, and CS25 of the Core Strategy.

### **Flood risk and drainage**

LLFA Drainage have not raised any concerns regarding the proposals. The building is existing, the site is not prone to flooding and is within flood zone 1.

In the absence of any objection from the LLFA Drainage team, the proposed change of use would not be considered to give rise to any impacts in relation to flood risk or drainage. The development is considered acceptable in this respect in accordance with policy DS14 of the local plan.

### **Conclusion**

Members are advised that the principle of residential accommodation in this location is acceptable. The development would re-use a vacant building which is in need of refurbishment, resulting in positive impacts upon the character and appearance of the area and maximising the use of a previously developed site in a sustainable location.

The development would not be considered to result in harmful impacts upon the residential amenity of occupants of existing properties nearby, and given the limited number of HMOs in this part of Scunthorpe, the development would not result in the concentration of such uses to an extent which would be harmful to the vibrancy and vitality of the area.

There are not considered to be any reasons to justify withholding planning permission on the grounds of highway safety, and there are no flooding or surface water drainage issues associated with the development.

Whilst some concerns have been raised by the Environmental Health and Housing team about the standard of accommodation provided for occupants, these comments are based on guidance documents which do not form part of the development plan and in any event any decision as to whether to grant a licence for the premises remains the decision of the licensing authority. This process would not be affected by a decision made on this application, which should be made on the basis of relevant policies contained within the development plan identified in this report.

Members are therefore recommended to grant planning permission for the reasons set out within this report, subject to conditions outlined below.

### **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:

C1030/A1/101 Rev B and C1030/A1/102 Rev B.

Reason

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

3.

Notwithstanding the detail contained within the application, the external materials to be used in the construction of the extension shall match those found in the existing building.

Reason

To ensure the satisfactory appearance of the development upon completion of the works, in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

4.

Notwithstanding the detail contained within the application, the windows on the west elevation of the extension to the property serving the bathrooms at ground and first floor level shall be obscurely glazed to a minimum of Level 4 on the Pilkington Scale or equivalent, and shall be maintained as such thereafter.

Reason

To ensure the privacy of occupants of the property, in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

The development hereby permitted shall not be brought into use until vehicle and cycle parking provision has been completed in accordance with the approved plans. Thereafter, vehicle and cycle parking shall be retained and made available for occupants of the property at all times.

Reason

In the interests of highway safety and to promote the use of sustainable modes of transport, in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

## Informatives

1.

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.

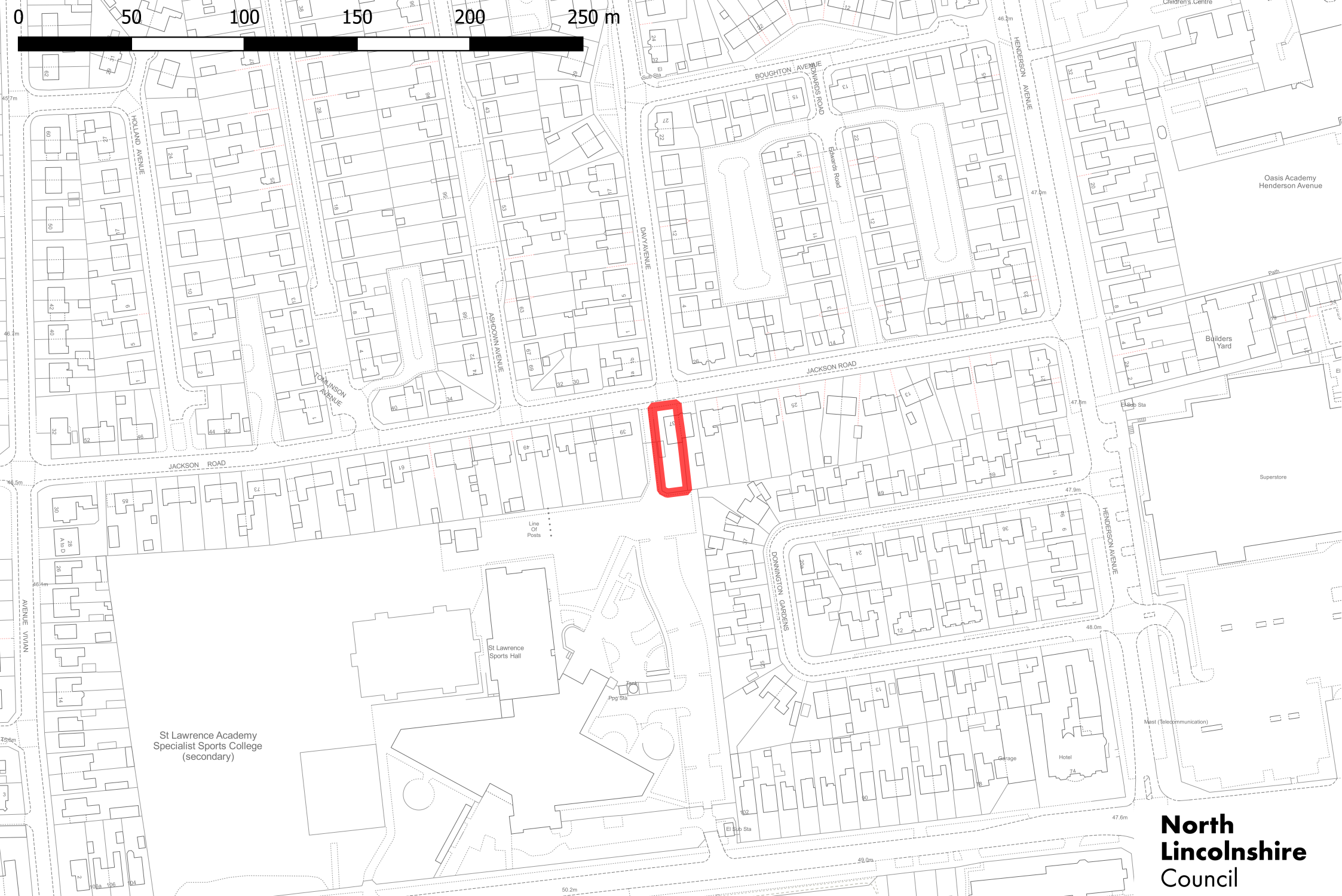
2.

The proposed development is classed as a more sensitive end use and therefore we suggest you consider investigating the existing surface water drainage arrangements/layout for the development. Further consideration may need to be given to upsizing the pipe network and increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.

3.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.



St Lawrence Academy Specialist Sports College (secondary)

St Lawrence Sports Hall

Oasis Academy Henderson Avenue

Builders Yard

Superstore

Mast (Telecommunication)

**North  
Lincolnshire  
Council**

**PA/2024/132**

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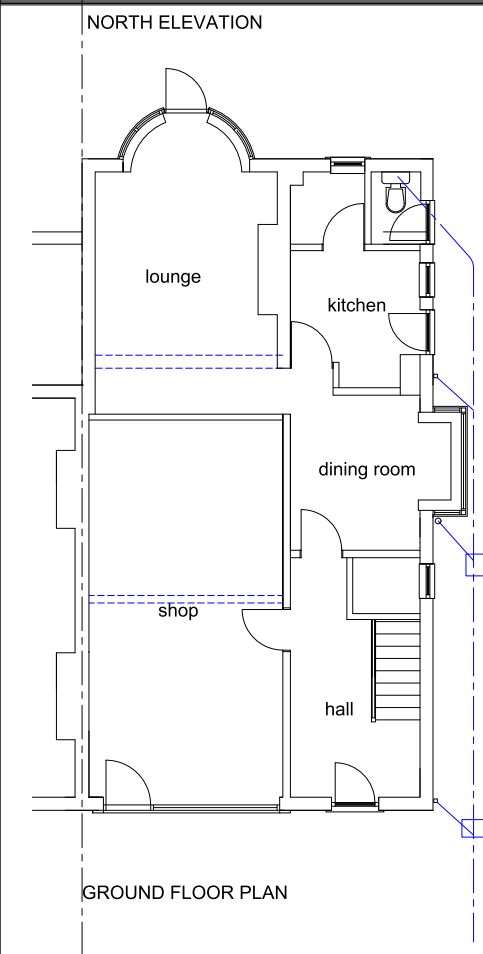
# PA/2024/132 Existing plans and elevations (not to scale)



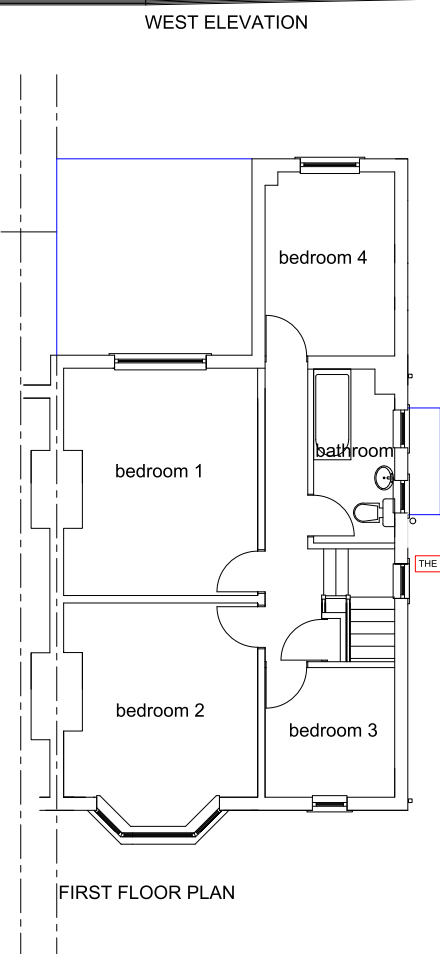
NORTH ELEVATION

WEST ELEVATION

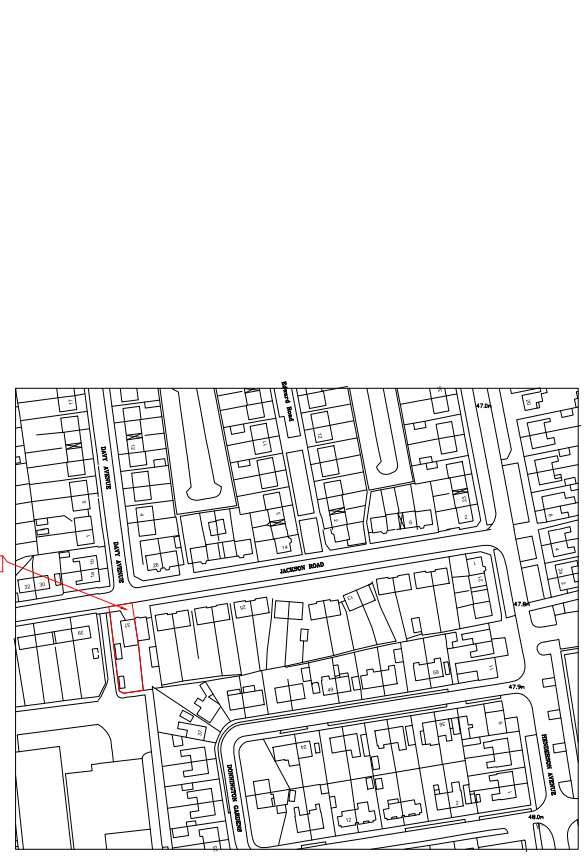
SOUTH ELEVATION



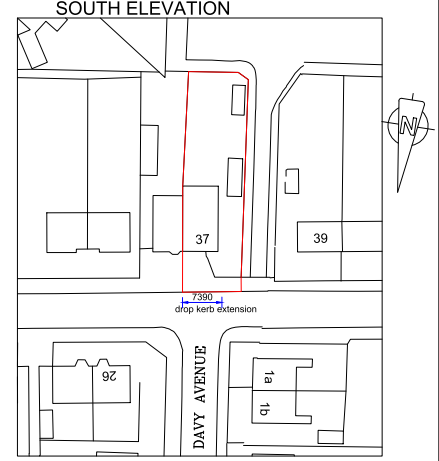
GROUND FLOOR PLAN



FIRST FLOOR PLAN



LOCATION PLAN 1:1250@A1 1:2500@A3



BLOCK PLAN 1:500@A1 1:1000@A3

Rev	Date	Description
B	12.02.24	Amended reissued for Planning
A	26.01.24	Issued for Planning Purposes
Issued for: <b>PLANNING</b>		
Client Scheme		
Mr. I. Hussain		
PROPOSED CHANGE OF USE FROM GROCERY STORE & FLAT TO 10 BED HMO AT 37 JACKSON ROAD SOUTHWORPE NORTH Lincs		

Drawing Title

**Existing Plans & Elevations**

Shepherd Technical Services  
110 Bustfield Road  
Southorpe  
North Lincolnshire  
DN16 1NA  
Tel: 01724 330769  
Fax: 01724 330769

**SHEPHERD TECHNICAL SERVICES**  
Architectural, Civil & Structural Design Consultants

Date	JAN 24
Scale	1:500@A1 1:1000@A3
Drawn	DS
Checked	
Drawing No.	C1030/ A1 / 101 rev B

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# PA/2024/132 Proposed plans and elevations (not to scale)

