

APPLICATION NO	PA/2021/1495
APPLICANT	Miss Josephine Hughes
DEVELOPMENT	Planning permission for change of use from a Residential Care Home (C2) to a Hotel/Guesthouse (C1)
LOCATION	Grafton House Care Home, 157 Ashby Road, Scunthorpe, DN16 2AQ
PARISH	Scunthorpe
WARD	Kingsway with Lincoln Gardens
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tony Gosling – significant public interest)

POLICIES

National Planning Policy Framework (Revised 2021):

Sections 2 (Achieving sustainable development), 4 (Decision-making), 5 (Delivering a sufficient supply of homes, 11 (Making effective use of land) and 12 (Achieving well-designed places)

Paragraph 8 – 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 well-being; 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 – Plans and decisions should apply a presumption in favour of sustainable development. 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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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 this Framework taken as a whole.

Section 6 refers to building a strong, competitive economy.

Paragraph 81 – Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 82 recognises planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Section 11 – Making effective use of land

Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Paragraph 120 (d) – planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

Paragraph 123 – Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.

North Lincolnshire Local Plan (2003):

R14: (Hotel and Guest House Accommodation)

DS1: (General Requirements)

T1: (Location of Development)

T2: (Access to Development)

T19: (Car Parking Provision and Standards) and Appendix 2

North Lincolnshire Core Strategy (2011):

CS1: (Spatial Strategy for North Lincolnshire)

CS2: (Delivering More Sustainable Development)

CS3: (Development Limits)

CS5: (Delivering Quality Design in North Lincolnshire)

CS22: (Community Facilities and Services)

Housing and Employment Land Allocation DPD (2016):

PS1: (Presumption in Favour of Sustainable Development)

The site is unallocated and located within the development limits as shown on the Proposals Map Inset 36 Scunthorpe.

CONSULTATIONS

Environmental Protection: No objections or comments.

Drainage (Lead Local Flood Authority): No objections or comments.

Highways: Early in the process requested the following additional information:

- how many bedrooms is the hotel hoping to provide?
- a plan showing parking provision
- the number of staff they are hoping to employ
- a delivery/servicing plan (including delivery times).

Following receipt of revised plans, Highways have confirmed that the parking provision is now acceptable. However, a delivery/service plan is still required (including delivery times), but this can be dealt with through an appropriately worded condition.

Environmental Health and Housing: Initially felt there was insufficient information to be able to comment. Their concern related to the potential for the property to be used as a house in multiple occupation and the team therefore objected to the planned change of use. In order to make a full response the team requested the following information:

- proposed internal floorplan with dimensions

- proposed site plan showing parking places, waste provision and access
- details of the waste provision
- a more detailed outline of the proposed usage of the premises.

Following receipt of revised plans, the team is satisfied that the premises is going to be a 14-bedroom guest house and that all rooms meet the minimum amenity standards.

PUBLICITY

The proposal has been advertised by site notice. Fourteen comments have been received expressing concerns over the proposed development, which can be summarised into the following material points (this list is not exhaustive, and the comments can be viewed online against the planning application):

Objections:

- Work has commenced on site.
- The site is located on a busy junction.
- The site is currently being used as a residence for contractors who leave for work early morning and return early evening. Food is prepared within the garden. Any use would need to be operated legally.
- concerns regarding increased traffic and parking on the street
- no details regarding the number of bedrooms; concerned 20 would be too many
- concerns regarding antisocial behaviour as a result of the development
- noise from the new facility will impact neighbouring properties
- not enough space on site for the parking required
- development opposite the site, which will increase traffic in the surrounding area
- concerns that the site is currently being operated as a house in multiple occupation
- the area is already busy with students and other users of events that occur locally
- concern that the applicant does not intend to employ anyone to work on site and worried how it will be operated, maintained and managed
- concerns of drug use on the site.

Support:

- Not against a guest house if it is run in a fit and proper way, respecting neighbouring properties and the area.

ASSESSMENT

Relevant planning history

- 6/1979/0462: Erect a detached dwelling (outline) – approved 13/12/1979
- 6/1983/0290: Erect extensions to nursing home – approved 06/01/1984
- 6/1987/0211: Erect two-storey extension to provide additional bedrooms, sitting room and ancillary space – refused 04/09/1987
- PA/2000/0369: Erect single-storey extensions to form office and additional bedrooms – approved 16/06/2000
- PA/2007/1164: Erect a conservatory to front elevation – approved 16/08/2007.

Site constraints

The site is located within SFRA Flood Zone 1 (Low Risk of Flooding). The site is not within a conservation area, and there are no listed buildings or tree preservation orders on the site.

Site characteristics

The site is located at the Junction of A159 Ashby Road and Lloyds Avenue. It is currently vacant and was formally used as Grafton House Care Home (C2) which has ceased operation. The building provided 23 bedrooms for residents across the ground and first floor, with a sitting and lounge area and kitchen facilities on the ground floor. The site currently includes five off-road parking spaces.

The site is located within a largely residential part of Scunthorpe. Residential properties are located to the south, east and west of the property. Lloyds Avenue forms the northern boundary to the site and Ashby Road the eastern site boundary. An area of undeveloped open space is located north of the site beyond Lloyds Avenue.

A 1m high fence forms the eastern boundary of the site which wraps around to the north along the site and public footpath on Lloyds Avenue. The main pedestrian entrance into the site is taken off Lloyds Avenue towards the front of the building whilst vehicle access is to the rear of the property, also off Lloyds Avenue. To the front is an area of amenity/garden space with trees, shrubs and an area of grass. This planting screens the site from Ashby Road.

The site is accessible via public transport with bus stops located outside the site on Lloyds Avenue and Ashby Road.

Proposal

Planning permission is sought for the change of change of use from a residential care home (C2) to hotel/guesthouse (C1). The proposal will reduce the existing number of bedrooms from 23 to 15 (14 for guests and 1 for the night porter) with the majority being en-suite and all including a sink/wash area. Three separate bathrooms are provided on the first floor and two on the ground floor. The ground floor will also include a large lounge/TV room, a snug, kitchen area, lobby and coffee room, dry storage area, laundry area and office.

The proposal also increases the number of parking spaces on the site from 5 to 17, one of which is a disabled parking space. The main entrance into the building will remain. The application includes a supporting email, parking arrangements and layout plans.

In terms of the management and operation of the guest house, the business will be managed remotely for bookings etc, so there is no requirement for staff to provide this role on site. One on-site night porter will be the only on-site staff.

The kitchen facilities, initially, will be open to the guests as a self-service facility so that they can prepare and serve their own breakfast. If in the future, there appears to be a need for a full breakfast provision then this will be prepared and served by the on-site night porter. This same system is operated by the applicant at their current property, 'The Normanby'.

This does mean that one member of staff will be created as part of the new development. The applicant has updated this on the application form.

The main issues in the determination of this application are the principle of development and impact on amenity.

Principle of development

Policy CS1 part a) states, 'Scunthorpe will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire.'

Policy CS2 sets a sequential approach for development with previously developed land and buildings within the Scunthorpe urban area being sequentially preferable. The policy also encourages developments to be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport; and to ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives.

The site is within the Scunthorpe urban area development limit referred to in policy CS3 and defined in the Housing & Employment Land Allocations DPD.

This proposal is for the change of use of a C2 Care Home within the settlement boundary of Scunthorpe. The site is unallocated.

Paragraph 14.39 of the Core Strategy states, 'Proposals involving the loss of community facilities, including land in community use, for example relating to facilities such as community/village halls, village shops and post offices, schools, colleges, nurseries, places of worship, health services, care homes, convenience stores, libraries and public houses, will not be supported.'

Policy CS22 (Community Facilities and Services) is relevant as identified within paragraph 14.39 of the Core Strategy, which states care homes are classed as community facilities. The care home is, however, no longer in operation and was a private business. The care home was inspected by the Care Quality Commission (CQC) and closed the home down. The care home therefore ceased trading and was sold. Whilst the building is within use class C2 it is no longer required for that purpose. Policy CS22 states, 'The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.' The land is in private ownership and

the applicant has suggested that there was no interest in taking the site forward as a care home. The applicant has confirmed it is her understanding that the site would have been advertised right up to it being closed down by the CQC inspection but that there was no interest in taking the site forward.

Policy PS1 (HELADPD) advocates a presumption in favour of sustainable development and seeks applicants and local planning authorities to work proactively to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. It is considered that the proposals for the change of use to a guest house will bring back into use a vacant, underused building as well as increase expenditure within the local area.

Paragraph 123 of the NPPF encourages local planning authorities to take a positive approach to applications for alternative uses of land that is currently developed but not allocated for a specific purpose in plans. The application site is unallocated within the Development Plan. The proposal comprises an existing building which was previously operated as a care home but is no longer in use. Bringing the site back into an operational use would be in accordance with paragraph 123 of the NPPF.

Given the proposal seeks to establish a guest house in this location, policy R14 of the North Lincolnshire Local Plan (NLLP), which sets out the criteria for hotel and guest house accommodation, is relevant. Policy R14 states, 'Within defined settlement boundaries, new hotels, guest houses and bed and breakfast accommodation will be permitted provided that the development proposed is compatible with its surroundings in terms of siting, scale, design, materials and landscaping, and neighbouring residential amenity will not be detrimentally affected.'

It is considered that the proposed guest house is located in a sustainable location, on a main public transport route, within walking and cycling distance of Scunthorpe town centre and its range of services and facilities. The site is also well positioned for accessing services, amenities and facilities on Ashby Road. In addition, the building has ceased operating as a care home. The proposed development is also located within close proximity to local pubs, shops, cafes and The Pods leisure centre.

The plans demonstrate that this large detached two-storey building is capable of conversion for 15 bedrooms with shared facilities. The majority of works for the change of use are internal with proposed external changes relating to parking provision on site.

As such the proposal is considered to be in accordance with policies CS1, CS2, CS3 and CS22 of the Core Strategy, policy PS1 of the Housing and Employment Land Allocation DPD (2016), and paragraphs 8, 11, 81, 82, 119, 120 and 123 of the NPPF.

Residential amenity/design

Policy DS1 states that a 'high standard of design is expected' and identifies that proposals will be considered against two criteria:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and '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.'

Policy R14 states, 'Within defined settlement boundaries, new hotels, guest houses and bed and breakfast accommodation will be permitted provided that the development proposed is compatible with its surroundings in terms of siting, scale, design, materials and landscaping, and neighbouring residential amenity will not be detrimentally affected.'

This proposal is for the conversion of the building, and the majority of the building work will take place internally with minimum disruption to local businesses and residential properties. The proposal will not result in local road closures to facilitate residential conversion and the building will not be demolished. There will be some disruption to local businesses and neighbouring properties during the construction period, but this will be short-term without harming long-term amenity.

Concern was raised regarding the level of noise the proposed development would generate and potential impact on surrounding residents. The applicant proposes to reduce the number of bedrooms within the building from 23 to 15 (14 for guests with one for a night-time porter). To protect residential amenity (from noise disturbance) it is considered prudent to recommend a condition to control hours of working during construction as well as having a 'Site Rules and Management Plan' in place for guest house residents who visit the site. It is considered that this should be a condition to development and agreed with the local planning authority prior to occupation. The applicant has agreed to provide this prior to the development being brought into use. The site rules can also be used to address concerns regarding unmanaged barbeques within the garden space and fears over other antisocial behaviour, including alleged drug use. It is not considered that the reduction in bedrooms and operation of the site as a guest house will increase the level of noise from the site as to impact on local residents. The previous use of the site was as a care home with 23 bedrooms. The care home had daily visitors and staff coming and going from the site as well as deliveries and other visitors. It is considered that the proposed use as a guest house would result in similar levels of noise to that of the existing use.

The number of rooms to be included within the initial proposal was questioned in comments received from members of the public and the applicant has now issued revised plans which clarify this as 15 bedrooms (one for a night porter). The majority of bedrooms include en-suite bedrooms with shared facilities downstairs for guests to enjoy, including a dining room and sitting room. It is considered that the revised plans demonstrate a suitable number of rooms for the building and the Environmental Health and Housing Team have confirmed that all rooms meet the minimum amenity standards. Comments received, including from members of the public, have expressed concerns that the property would be brought forward as an HMO. The application is for a guest house and the Environmental Health and Housing Team, as well as the Planning team, are satisfied of this. The application must be considered as a guest house and not as an HMO.

In relation to comments received from members of the public which suggest the applicant is currently undertaking works prior to planning permission being granted, the applicant has confirmed that the only works taking place on site at present relate to improvements to windows and doors which required upgrading to address fire regulations/requirements. The council's Enforcement team have also been informed regarding concerns over the use of

the site as an HMO. The matter for consideration as part of this application is whether the site can be suitably changed to a guest house. The proposals do not involve any new windows and therefore would not result in any further overlooking/amenity issues to neighbours.

The applicant is keen to work with the local planning authority to agree a site rules and management plan to relieve any fears felt by members of the community. This would be a condition to development.

The site is considered suitable for the proposed change of use to a guest house and the proposal would not result in loss of residential amenity for neighbouring residents. There is considered to be sufficient space to accommodate off-street parking (addressed in more detail below). Given the building is existing and the majority of changes are internal, it is not considered that the development would result in a detrimental loss of amenity for existing or future occupiers in accordance with policy RS14.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the North Lincolnshire Local Plan is concerned with parking provision as well as general highway safety. Both policies are considered relevant. Highways have reviewed the application and revised plans and have no objection to the level of parking provision provided. The proposal will generate additional traffic movements; however, the local highway network is capable of accommodating additional flows and no objections have been received from Highways.

Appendix 2 of the local plan relates to hotels, motels and hostels and states:

1 space per bedroom plus spaces for proprietors plus 1 space per 3 employees;

plus appropriate provision for restaurants and public houses where these facilities are also provided.

Highways have provided guidance to the applicant setting out parking provision guidelines which for guest houses are:

1 space per 4 members of staff – equates to 1 space (off-site management);

1 space per bedroom – equates to 15 spaces (figure based on proposed internal alterations to provide a mixture of single/double rooms with en-suite facilities etc.);

Total required number of spaces – 16.

Concerns were raised that increased parking would occur on surrounding streets as a result of the proposed development. The applicant has clearly demonstrated that this will not be the case and has provided sufficient private off-street parking within the curtilage of the site.

The plans show the provision of 17 car parking spaces to serve the 14 guest rooms and one porter's bedroom in the building. This is considered sufficient in this location. No objections have been raised by Highways on highway and pedestrian safety grounds or in relation to the level of parking provision. The applicant has worked with the Highways team to agree the parking provision on site in line with the guidance provided.

The current proposals demonstrate that 17 spaces will be provided on site. The applicant has suggested that the actual number of spaces required will vary on a day to day basis and may in some cases be eased as users such as contractors tend to share vehicles (sometimes up to as many as 6 people can use one vehicle/parking space). This is not, however, necessary as the site provides adequate parking as required by Highways.

Highways have, however, raised concerns over the provision for service vehicles and deliveries to the site. A condition to development will be to demonstrate that this can be achieved and accommodated on site through the provision of a delivery/servicing plan (including delivery times) without impacting on the surrounding highways network, businesses or residents in accordance with policy T19 of the local plan. The applicant has agreed to provide this prior to the development being brought into use.

It is considered, subject to an appropriately worded condition that addresses the delivery/servicing plan, that the proposal would not prejudice highway safety. As such, the development would be in accordance with policy T2 and T19.

Other matters

Any new signage on the building or within the site, including to advertise the guest house, will be subject to a separate application for advertisement consent.

The applicant has not provided any details regarding the storage of waste/collection points for waste bins on site. This will need to be dealt with through an appropriately worded condition.

Conclusion

There is significant public interest in this application. The main concerns have been addressed as part of this assessment. The proposed development seeks a change of use from the existing use as a care home (C2) to a guest house (C1). The proposal is accompanied by internal site layouts as well as a parking layout.

The site is located within the development limits of Scunthorpe and would see an existing vacant building brought back into use which in turn would bring increased spending into the area. The site is highly sustainable, being located on a main bus route, which provides access to a wider range of services within the centre of Scunthorpe, only a mile away. The site is also well positioned close to shops and facilities on Ashby Road which are within walking distance.

It is considered, subject to appropriately worded conditions, that the proposal accords with the policies of the statutory Development Plan and hence, in accordance with Section 38(6) of the Act, there is a presumption in favour of the change of use unless material considerations indicate otherwise. Material considerations, including the Framework, add further support to the development plan presumption and as such the proposed development is considered to be acceptable.

Pre-commencement conditions

The pre-commencement conditions included in the recommendation have been agreed with the applicant.

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:

Location Plan - Dwg no. 1390.01

Site Layout - Dwg no. 1390.02

Building as Existing - Dwg no. 1390.03

Building as Proposed - Dwg no. 1390.04.

Reason

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

3.

No development shall take place until a delivery/servicing plan (including delivery times) has been submitted to and agreed in writing by the local planning authority and the final design of the development shall incorporate all the measures identified in the agreed delivery and servicing plan.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

4.

No guest rooms shall be brought into use until the vehicular access to the site, the internal infrastructure, delivery and service areas, and the vehicle parking facilities have been completed in accordance with details to be submitted in writing and approved by the local planning authority. Once completed, all these facilities shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

Prior to commencement of the use hereby permitted, details of a management plan (including guest rules) shall be agreed, submitted to and approved in writing by the local planning authority. The approved plan shall be implemented, reviewed and updated as necessary as an ongoing concern.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

Prior to commencement of the use hereby permitted, details of a refuse storage area shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented to the satisfaction of the local planning authority and thereafter retained as such at all times.

Reason

In the interest of residential amenity and the amenity of the locality.

7.

No external lighting shall be installed until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the local planning authority. The assessment shall include:

- identification of sensitive receptors likely to be impacted upon by light nuisance; and
- a lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Once approved, the agreed lighting scheme shall be implemented and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the local planning authority.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative 1

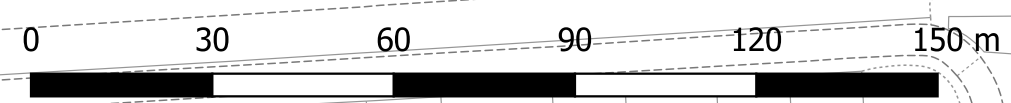
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

Informative 2

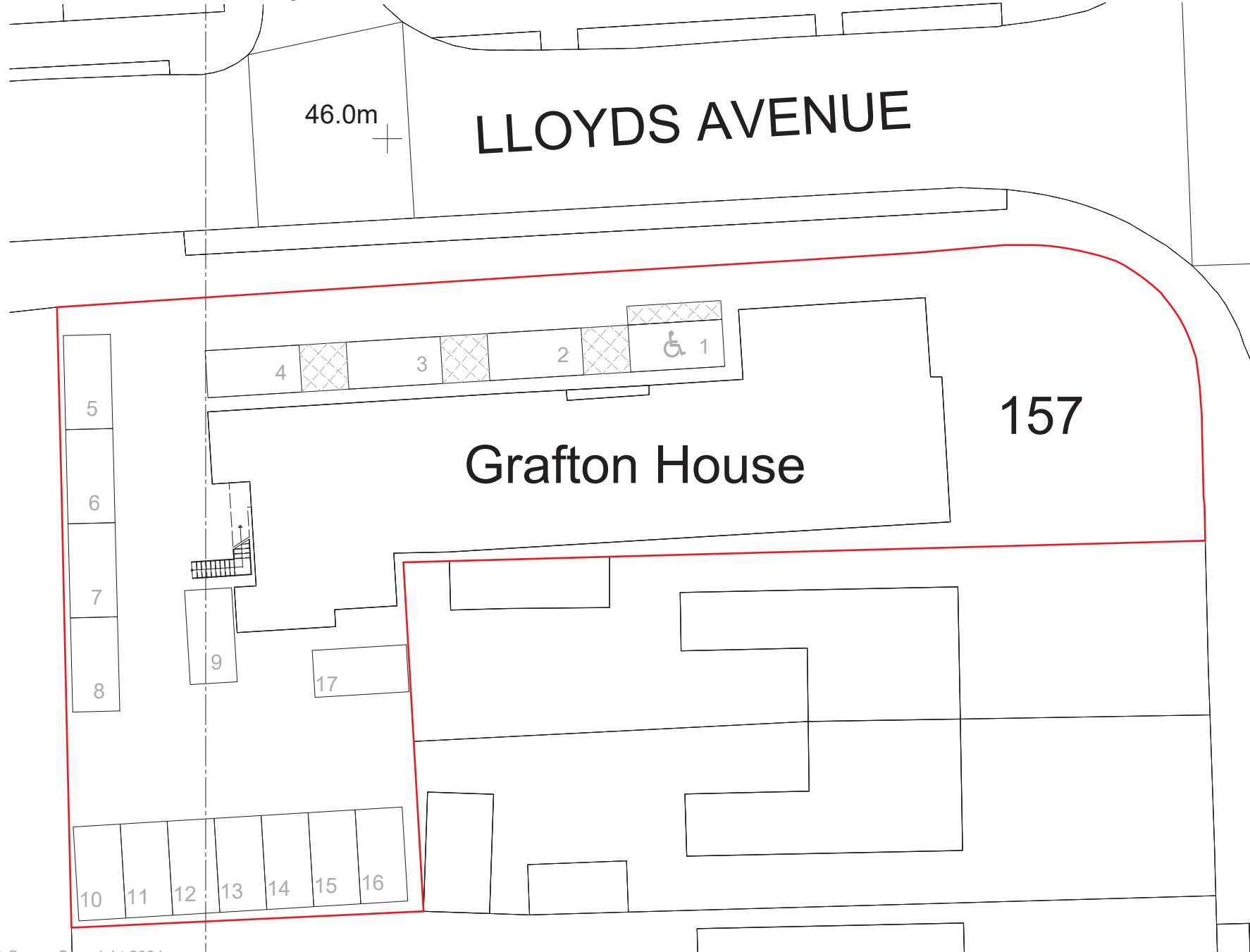
The development does have the potential to be a Section 157 House in Multiple Occupation (HMO) under the Housing Act 2004, should Building Control Approval not be granted.

The development must therefore comply with current building regulations and have approval granted, otherwise it will require licensing under The Licence and Management of Houses in Multiple Occupation (Additional Regulations)(England) Regulations 2007, due to the potential number of occupants.

Should the development not be granted Building Control approval, and it be classed as a Section 257 HMO, the owner must ensure that they comply with the Management of Houses in Multiple Occupation (England) Regulations 2006.

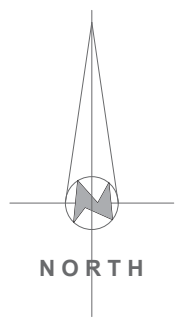


PA/2021/1495



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Revision	Date



Planning Application

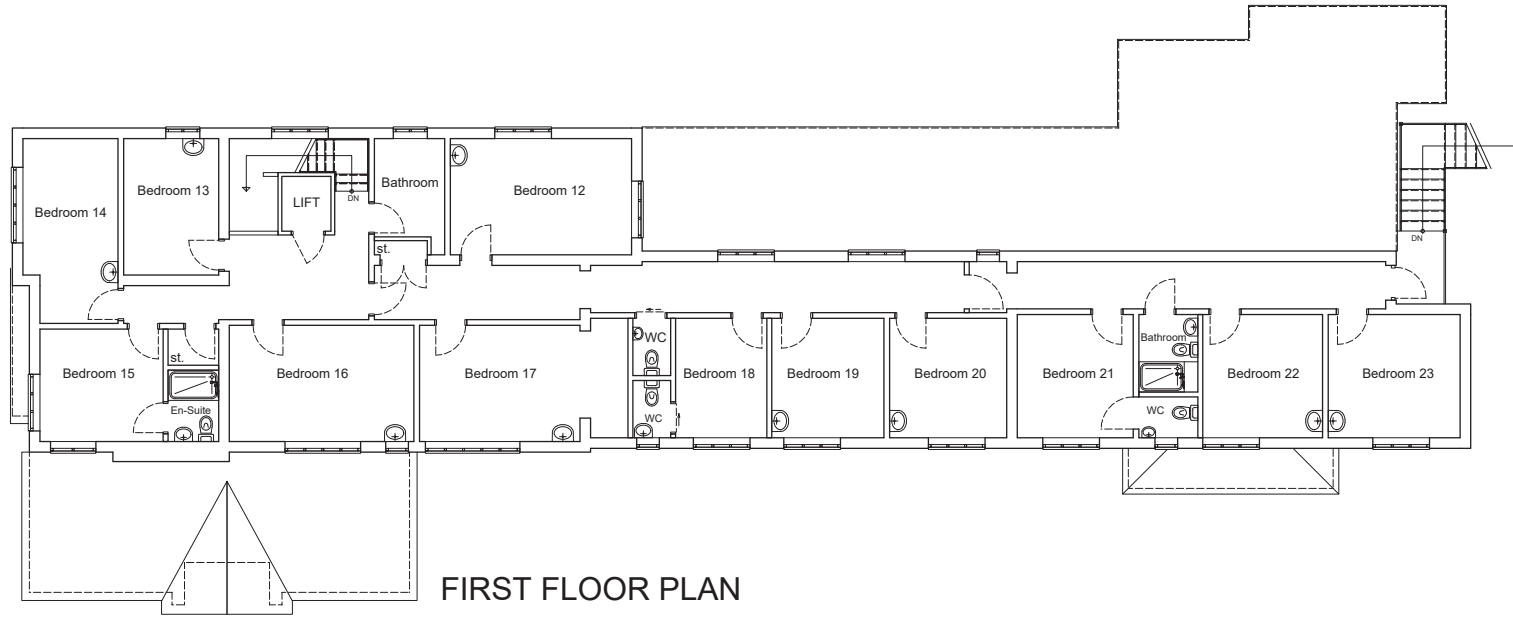
Project
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 Grafton House, 157 Ashby Road Scunthorpe

Client
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Date	October 2021
Scale	1:200 @ A3
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Drawing Nr.	1390.02
Revision	-

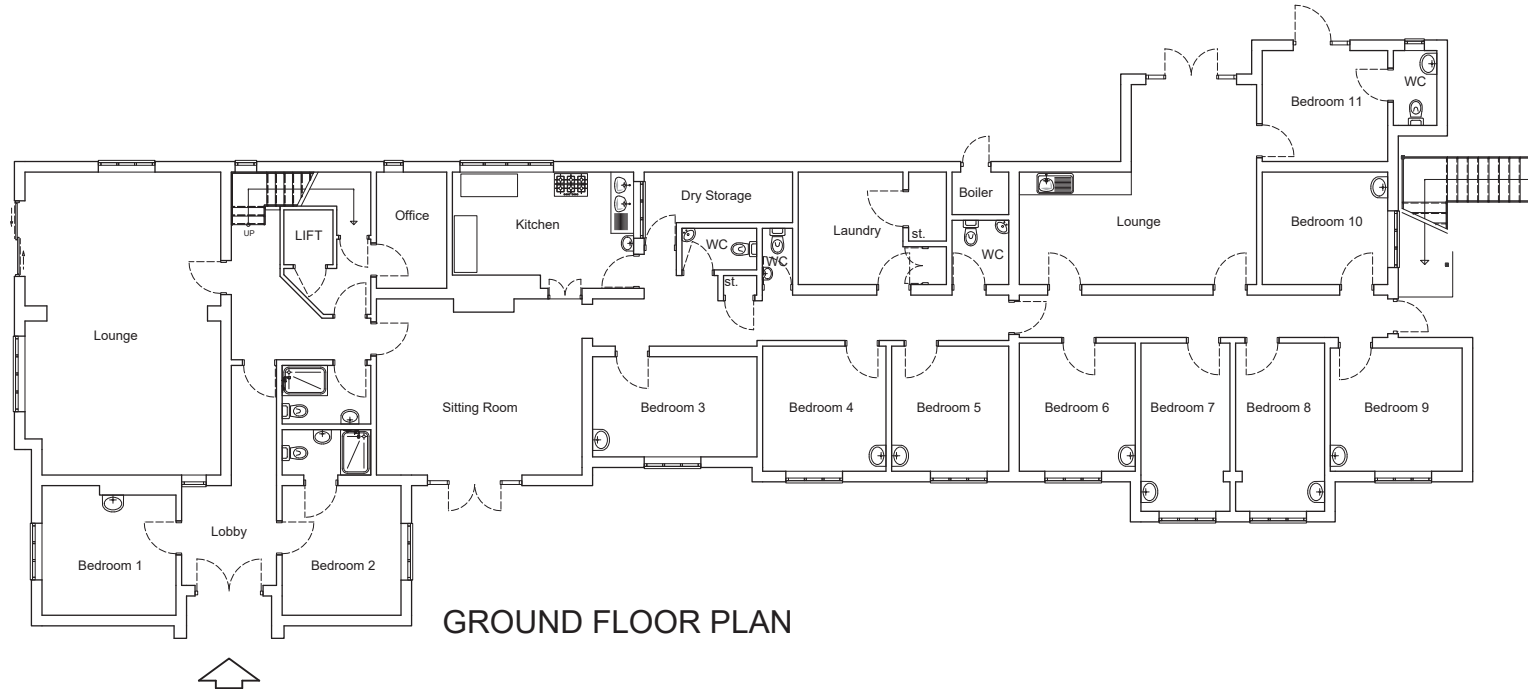
Building as Existing



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Drawing Nr. Revision

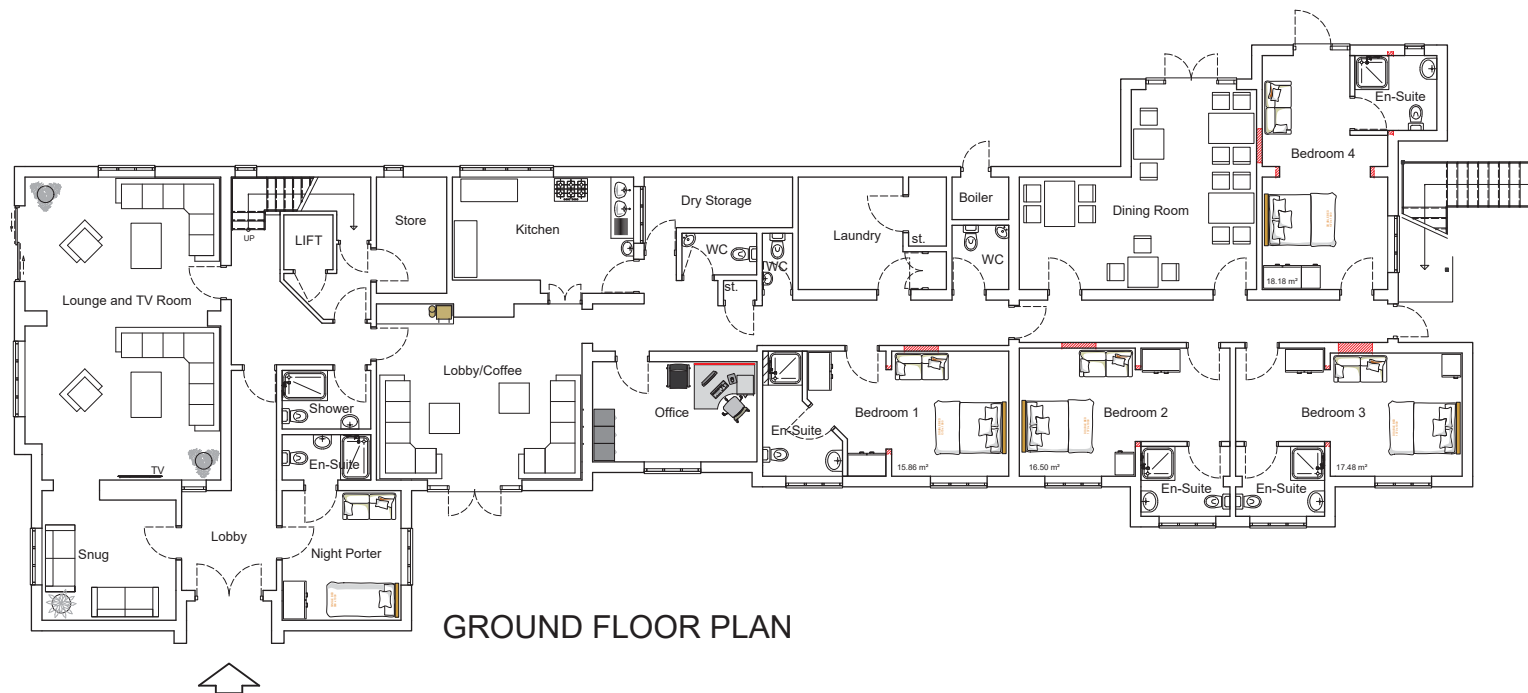
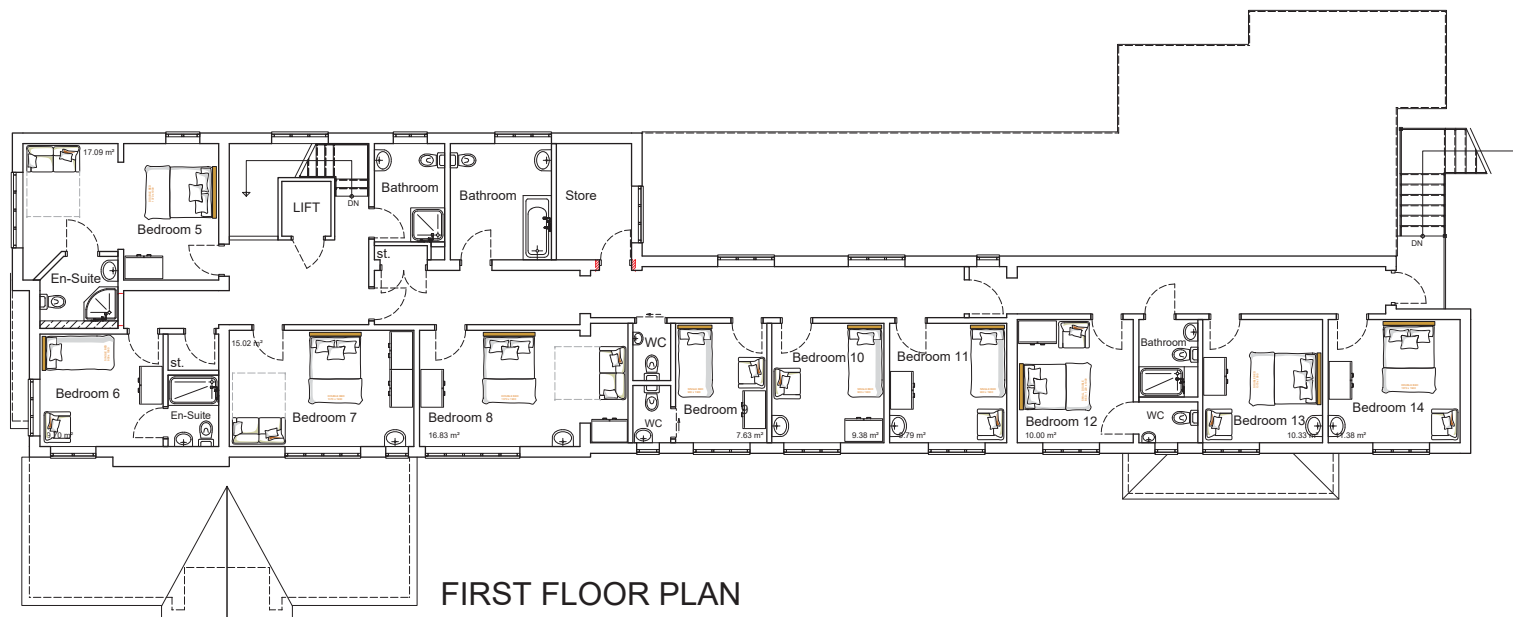
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Building as Proposed

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Drawing Nr. Revision

1390.04

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