



Appeal Decision

Site visit made on 14 March 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/B2002/W/21/3281712

College House, 85-87 College Street, Cleethorpes DN35 8BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by DBG Contractors Ltd against the decision of North East Lincolnshire Council.
 - The application Ref DM/0821/20/FUL, dated 25 September 2020, was refused by notice dated 13 August 2021.
 - The development proposed is the change of use of former care home to 15 bedroom HMO (House in Multiple Occupation).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of former care home to 15 bedroom HMO (House in Multiple Occupation) at College House, 85-87 College Street, Cleethorpes DN35 8BN in accordance with the terms of the application Ref DM/0821/20/FUL, dated 25 September 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. I have used the address provided on the appeal form in the heading above as this more accurately describes the site location. In addition, the proposed development was amended during the course of the application, and I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of nearby residents, having regard to noise, disturbance and anti-social behaviour.

Reasons

4. The appeal site is located in a high density, residential terraced street with guest houses, flats and an HMO nearby. College Street is situated close to the town centre, Cleethorpes train station, public car parks and the designated resort area. It has been drawn to my attention that these uses result in noise and nuisance for residents.
5. I understand that there have been a number of HMO applications within the local area, and I have regard to the planning history of the site. I also recognise that the Management Plan predominantly focuses on matters relating to the physical maintenance of the building.

6. The site contains courtyard areas which are in close proximity to neighbouring buildings. Future occupiers could use the side passage to access their bedrooms. The proposed development proposes a communal kitchen/ diner room which would adjoin 83 College Street. However, the building would contain three kitchens and there is nothing before me to demonstrate that this is more harmful than the previous layout of the former care home.
7. Although the building has been vacant for a number of years, the building could still be lawfully used as a residential care home. The number of proposed bedrooms is comparable with the lawful use. Nevertheless, I recognise that the nature of the activity generated from a care home compared to an HMO would be different. For example, there would be more comings and goings from an HMO occupier, who could have visitors, compared to a care home resident. Nonetheless, a care home would also have comings and goings from staff, visitors and deliveries.
8. Given the nearby uses and urban location, there is already a degree of background noise. There is no clear evidence before me to demonstrate that the proposed HMO would significantly increase the level of activity and associated noise and disturbance compared to a care home. In addition, it cannot be presumed that potential occupiers would behave in an anti-social manner or increase opportunities for crime and fear of crime. There is no robust evidence to demonstrate that the proposed use would result in an increase in anti-social behaviour and would result in an unsafe area for the public.
9. Parking has also been raised as an amenity issue. There are concerns that nearby residents may not be able to find a parking space close to their home which could cause distress and annoyance. For part of the day a parking permit scheme is in place on College Street. Whilst only a snapshot during the day, at the time of my site visit there were numerous on-street parking spaces. Having said that, I am mindful that residents have highlighted that there are parking issues, particularly in the evenings.
10. On occasions residents may not be able to park close to their home, however that would not be uncommon in an urban area such as this. It is likely that the lawful use of the building would generate the need for parking. Occupiers of the HMO would not be reliant on a private motor vehicle to access services and facilities given the sustainable location of the site and provision of a bike store. In addition, they would be aware of the parking constraints prior to choosing to live there. No compelling evidence has been submitted to demonstrate that the scheme would result in the displacement of vehicles in the vicinity of the site which would in turn cause substantial amenity issues.
11. Consequently, based on the information presented, and having regard to the lawful use of the building, the location of the site and nearby uses, the proposed development would not adversely affect the living conditions of nearby residents. Accordingly, the proposal would not result in an intensification of the site to warrant planning permission being refused.
12. For the reasons given above, the proposed development would not have an unacceptable effect upon the living conditions of nearby residents, having regard to noise, disturbance and anti-social behaviour. Consequently, it would not conflict with Policy 5 of the North East Lincolnshire Local Plan 2013 to 2032 (2018). This policy states that consideration will be given to the proposals

impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion. It would also not conflict with the National Planning Policy Framework. This states that developments 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Other Matters

13. I have had regard to the other matters raised by residents. These include highway safety concerns relating to traffic, pedestrians and parking, litter, pollution, impact on character, impact on viability of resort and house prices.
14. Highways did not object to the application. Given the scale of the proposed development and lawful use of the building, I am satisfied that the development would not have an unacceptable impact on highway safety, litter, pollution and viability of the resort. Furthermore, the proposed development does not include any external alterations and would not have a harmful impact on the character of the area. In terms of impact on property values, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. The Council did not refuse the planning application on the other matters raised, and I see no reason to disagree with that assessment.

Conditions

15. I have assessed the Council's suggested conditions in light of guidance found in the Planning Practice Guidance and where necessary the wording has been amended for clarity and precision.
16. In addition to the statutory commencement condition, a condition is necessary in the interests of certainty to ensure that the development is carried out in accordance with the approved plans and management plan. In the interests of protecting residential amenity, conditions relating to construction hours and sound insulation are necessary. In addition, a condition relating to bicycle and refuse bin storage facilities is necessary in the interest of promoting sustainable transport options, protecting residential amenity and visual amenity.

Conclusion

17. For the reasons given above, the appeal succeeds.

L M Wilson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents: Floor Plans as Proposed (2101 003), Elevations as Proposed (2101 004) Site Plan as Proposed (2101 006) and Management Plan.
- 3) Construction works shall take place only between 0800 - 1800 on Mondays to Fridays, 0800 - 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) The development hereby permitted shall not be occupied until an insulation scheme between individual bedrooms; and bedrooms and communal facilities has first been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in full before the property is first occupied and retained thereafter.
- 5) The development hereby permitted shall not be occupied until the bicycle and refuse storage facilities shown on the approved plans (Floor Plans as Proposed (2101 003) and Site Plan as Proposed (2101 006)) are provided and available for use by residents, and thereafter permanently retained to be used as such.