

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0387-20 **Applicant:** A P I Ltd

Proposal: Change of Use from B&B (C1) to HMO (Sui Generis), including internal alterations (retrospective)

Location: 2-4 Spalding Road Holbeach Spalding

Terminal Date: 24th February 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting sustainable transport.
Section 12. Achieving well designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SHDC INTERNAL	0	0	0	1
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CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission is sought to convert Nos 2-4 Spalding Road (grade II listed) from bed and breakfast accommodation to a HMO consisting of 3 studios and 11 bedrooms (total 14), plus 2 no. communal kitchens, WCs and shower rooms. Some internal alterations have been carried out, mainly relating to the installation of en-suites and an application for listed building consent has also been submitted, which is under consideration (ref. H09-1154-22). The units are occupied.

SITE DESCRIPTION

The building (grade II listed) is located on the corner of Spalding Road and Northons Lane. Car parking is situated at the rear with vehicular access off Northons Lane. The Red Lion Public House (grade II listed) and associated residential quarters are situated to the west and residential to the north on the opposite side of Northons Lane. The Priory (grade II listed) is located to the north-east on the opposite side of Northons Lane.

The site is inside Holbeach Conservation area.

PLANNING HISTORY

H09-0424-17 - LBC - Replacement of rotten window - Consent 21 June 2017

H09-0116-18 - Full - Change of use of three ground floor offices to additional bedrooms for bed and breakfast - Granted 28 March 2018

H09-0117-18 - LBC - Change of use of three ground floor offices to additional bedrooms for bed and breakfast - Consent 28 March 2018

H09-1154-22 - LBC - Change of use from B&B (use class C) to HMO (sui generis), including internal alterations (retrospective) - Under consideration

CONSULTATION RESPONSES

Holbeach Parish Council

We note that the application made in 2020 is still undecided and the premises have been used as a HMO since changing hands and we feel accepting a retrospective application of this nature would set a precedent for other properties to be converted to HMO without the correct permissions. As it was converted to a HMO without the correct planning permissions in place we have concerns as to whether it meets safety and regulatory requirements and if it is to continue to be used as a HMO we would ask that this is inspected.

Other objection is of the amount of people living in one prominent building all having cars and the potential problems with parking in such a busy area.

CLlr F Biggadike

Is a substantial building in a prominent position to the entry to the town and it is important that the large amount of refuse that will be created is stored in an area where the residents can conform to the new regulations of improving recycling being introduced by L.C.C the waste collection Authority.

LCC Highways/SUDs

No objections.

Private Sector Housing Community and Neighbourhood Services

No objections - Property already meets full requirements for use as a House in Multiple Occupation.

Public

No comments received.

PLANNING CONSIDERATIONS

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 of the SELLP indicates that within the settlement boundaries of the Main Service Centres, including Holbeach, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. The proposal is considered satisfactory in spatial terms.

Policy 21 of the SELLP specifically relates to HMOs and indicates that proposals for the creation of large houses in multiple occupation and the sub-division of dwellings will be permitted provided that, in each case:

1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;
2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;
3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;
4. adequate provision is made for the storage and disposal of refuse and recycling;
5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;
6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;
7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers. The Nationally Described Space Standards (or any successor) will be applied to ensure that the occupiers have adequate floor space.
8. adequate provision is made for the communal gardens and amenity areas.

Addressing the above:

1. The site is located on an arterial road (ie, Spalding Road) close to the town centre that has a variety of uses, including commercial, retail, community (school) and residential.
2. The Red Lion Public House (grade II listed) and associated residential quarters are situated to the west and residential to the north on the opposite side of Northons Lane. The Priory (grade II listed) is located to the north-east on the opposite side of Northons Lane. The site is located on a busy arterial road close to the town centre where ambient noise levels are relatively high and standards of residential amenity are lower than on a residential estate. The proposal would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity.
3. The site is located within Holbeach Conservation Area. The character of the area is generally mixed. The Red Lion Public House (grade II listed) and associated residential quarters are situated to the west. The Priory (grade II listed) is located to the north-east on the opposite side of Northons Lane.

No external alterations are proposed to the building and the previous use was commercial. Taking this into consideration, it is considered that the proposed use would not harm the character or appearance of Holbeach Conservation Area or setting of nearby listed buildings.

4. Commercial size refuse bins (Veolia) are situated at the rear of the property.

5. Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. No specific standards are set for HMOs and Appendix 6 states that where it can be justified by the character and location of the site the standards may be relaxed.

Six parking spaces are available at the rear. However, the site is close to the town centre where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Occupiers of the development may also not be reliant on the private car. Moreover, on road parking facilities are available nearby if required. LCC Highways consider that on-site parking is not essential to the scheme and raise no objections on highway safety grounds.

6. The site is close to Holbeach town centre and on a bus route. It therefore has good access - by walking and cycling - to community facilities, services, public transport and local employment.

7-8 SHDC Private Sector Housing have confirmed that the property meets full requirements for use as a house in multiple Occupation.

Other Matters

Heritage

Policy 29 of the South East Lincolnshire Local Plan, 2019 indicates that proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

Section 16 of the National Planning Policy Framework, 2021, contains current Government advice as well as the statutory requirement to have special regard to the desirability of preserving the building and their setting (S16 & 66 Planning (Listed Building and Conservation Areas) Act 1990) which must be taken into account in decision making.

Addressing the above, the proposal would result in the whole of the building being kept in active use. There are no material changes to the exterior of the building. Internally, the building has lost much of its original character and features. Some changes to the internal layout of the building are proposed, mainly involving the installation of stud walls to accommodate en-suites, etc. These elements could be removed easily should the building layout ever need to be altered.

In light of the above, no objections are raised given that minimal damage would be caused to the heritage asset.

Flood Risk/Drainage

The site is within Flood Zone 2 within the Environment Agency Maps. However, the sequential test does not need to be undertaken because the proposal is a conversion/change of use. Moreover, it is within an area of no hazard on the Hazard Maps accompanying the South-East Lincolnshire Strategic Flood Risk Assessment (2017).

That said, residential is classified as a more vulnerable use and the development should therefore be safe for its lifetime taking into account the vulnerability of its users. In this respect, floor levels are significantly raised.

In terms of drainage, foul water would be discharged to the mains sewer.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal would result in the continued active use of a designated heritage asset, including the upper floor, and would give the building a viable use that would help ensure its retention. The conversion would not significantly harm the character or appearance of the building or Holbeach Conservation Area. There are no objections on amenity, highway safety/parking grounds or flood risk.

The proposal satisfactorily complies with Policies 1, 2, 3, 4, 21 and 29 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2021. Although the proposal includes limited on-site parking, as required by Policy 36 of the SELLP, this is outweighed by other factors in favour of the scheme.

Conclusion

The proposal is generally in accordance with policies within the development plan and advice within the Framework. The planning balance lies in favour of the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Recommendation

That the application be approved under delegated powers.