

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0108-23 **Applicant:** D C Architectural Services Ltd.

Proposal: Change of use from house in multiple occupation to 3 flats and rear extension

Location: 8 Spring Gardens Spalding

Terminal Date: 14th August 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
17	Providing a Mix of Housing
18	Affordable Housing
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 8 - Promoting healthy and safe communities
Section 12 - Achieving Well Designed Places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Proposal is to convert a house of multiple occupancy (HMO) at 8 Spring Gardens, into three separate, one-bedroom flats. A rear extension is proposed to accommodate a bedroom. The materials of the extension are proposed to match the existing property. The extension would measure 7.5 square meters.

All flats are to incorporate a kitchen, two bathrooms and one bedroom. All flats would have a sitting room, bedroom, kitchen and bathroom. Flat 3 is to occupy to floors, while the flat 1 and 2 are to solely occupy the ground and first floor respectively. The kitchen of flat 3 would be on the first floor.

Site Description

The site is within the defined boundaries of Spalding, as outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The area of Spring Gardens is residential in nature, being characterised by 20th century terraced and semi-detached housing. 8 Spring Gardens is typical of this style.

The principal elevation is clad in white stone, with the side, first-floor elevation being constructed of red brick. The dwelling has two bay windows to the front, but otherwise has windows are limited. The property shares a driveway with the neighbouring 9 Spring Gardens.

Relevant History

H16-1201-78 - Full. Change of use of dwelling to office accommodation. Approved 24/11/78

Consultation Responses

Highways and Lead Local Flood Authority

"No objection.

The property is in the centre of Spalding, where a wide range of services, facilities, employment opportunities and public transport options are easily accessible on foot. It would not therefore be essential for those living in the proposed flats to have the use of a motor vehicle to go about their daily lives. That said, the Application Form does advise that four off-street parking places are available. No change is proposed to be made to the existing vehicle access arrangements. The property is presently being used as a house of multiple occupation and therefore the change to three individual flats would most likely result in fewer vehicle movements.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application."

Welland & Deepings Internal Drainage Board

No comments.

Environment Agency

Application does not meet threshold for response.

Environmental Protection

No observations.

Planning Considerations

Principle of Development

Policy 1 of the SELLP directs new housing to the most sustainable locations. As the site is within Spalding settlement boundaries, the development would occur within a sustainable location.

The proposal therefore conforms to Policy 1 of the SELLP, and the principle of development is sound.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The extension is minor in scale and will be constructed of materials to match the existing property. The extension would not be visible from the street or any adjacent property, minimising the character impact of the area. The extension would bring the rear of the property in line with the adjoining property, enhancing the visual consistency of the area. Therefore, there would be no significant adverse impact upon the aesthetics of the area.

The use as flats would likely be more in character with the prevailing use of the area than the existing HMO.

The proposal therefore conforms to Policy 2 of the SELLP in terms of design and scale.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

No windows are proposed. The height of the rear extension is comparable to the existing boundary treatment. As such, the potential for additional overshadowing is limited. In addition, the extension would bring the rear of the property in line with the adjoining property, meaning any overshadowing that may occur would fall entirely onto the wall of number 7. Therefore, no additional overlooking or overshadowing would occur.

There would likely be a reduction of the number of occupants within the dwelling due to the change, potentially further reducing the potential for overlooking and noise pollution.

The proposal therefore conforms to Policies 2 and 3 of the SELLP in terms of amenity impact.

Flood Risk and Drainage

Policy 4 of the SELLP and Section 14 of the NPPF relate to flood risk. Footnote 56 within the NPPF states that minor applications, such as changes of use, will not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out

in footnote 55.

The site is classed as Flood Zone 3 by the Environment Agency, and therefore a flood risk assessment was required. However, within the South-Holland Strategic Flood Risk Assessment (SFRA), the site is classed as not at risk of flooding.

As the flood risk on the site is minimal, there is no requirement for adaptation or mitigation of flood risk. The proposal is therefore acceptable in terms of flood risk and conforms to Policy 4 of the SELLP.

Meeting Required Housing Need

Policies 10 and 11 of the SELLP set out the required housing needs for Spalding. 5510 new dwellings are required within Spalding, as of the publication of the SELLP, 1920 dwellings have been approved. Therefore, there is a tangible need for housing within Spalding.

Policy 17 states that a mix of housing is required to meet the needs of the local population. Policy 18 outlines the need for affordable accommodation in the area. As the flats would be small in size and only have one bedroom, they would likely fall under affordable rented accommodation.

Therefore, the proposal would conform to Policies 10, 11, 17 and 18 of the SELLP and would help achieve the aims of providing a suitable housing mix.

Sub-Division of Dwellings

Policy 21 of the SELLP sets out the requirements for a site to be sub-divided into multiple dwellings or an HMO. The proposed conversion would conform to requirements 1-6 and 8 of Policy 21.

Section 7, alongside the supporting text of the policy, requires adequate amenity space is provided. The Nationally Described Space Standard is mentioned as a required minimum standard of floor space.

With the addition of the single-storey extension, all flats conform to the Nationally Described Space Standards. In addition, all proposed flats would have a sitting room and separate kitchen, ensuring sufficient amenity space is provided for residents.

The proposal achieves the aims of Policy 21 of the SELLP, and the requirements set out in the Nationally Described Space Standard.

Parking and Highways

Policy 36 and Appendix 6 of the SELLP set out the required parking standards. 3 spaces are required in total. The application form states that four off street parking spaces are present. As stated in the response from the Highways Department, the proposal would provide adequate off-street parking and due to the town centre location, a car would not be required for day-to-day life.

The proposal therefore is acceptable in parking and highways terms.

Site Sustainability

The site would be economically, environmentally and, to some degree, socially sustainable.

As discussed above, the proposal would offer affordable accommodation, achieving the social and economic sustainable aims of Policies 17 and 18.

The central location would ensure that residents could make full use of sustainable modes of transport, achieving the aims of Policy 33 of the SELLP. Occupiers could walk to services or access bus and train services to travel further afield, thereby cutting greenhouse gas emissions. The promotion of active travel would also achieve the health goals outlined in Policy 32 of the SELLP. This would enhance the environmental and social sustainability of the proposal.

There is sufficient amenity space in order to ensure the wellbeing of future occupants. In addition, the reduction in the number of potential occupants would in turn reduce the footfall and noise

pollution within the area, enhancing the wellbeing of neighbouring residents.

Planning Balance

The proposed extension is small in scale and would not be visible from the street scene. All materials would match the host. The proposal would therefore have no impact on the aesthetics or character of the area. The proposal would also create no additional overlooking, preventing an impact on neighbouring residential amenity. The proposal therefore conforms to Policies 2 and 3 of the SELLP.

The proposal would also help meet the required housing needs of Spalding by assisting the delivery of a variety of dwellings. It is likely the development would result in the creation of three new affordable dwellings, helping to achieve the aims of Policy 18. However, the relative impacts on the housing needs are minor.

The site is not at risk of flooding and as there are no external changes proposed, there would be no impact upon drainage.

The proposal would conform to Policy 36 and Appendix 6 by providing suitable off-street parking. Future occupants would also have access to amenities via sustainable means of transport (either walking or using public transport to access further sites), ensuring the sustainable transport goals described in Policy 33 of the SELLP.

The proposal conforms to the Nationally Described Space Standards and provides adequate amenity space for residents. As such, the proposal conforms to Policy 21 of the SELLP.

The planning balance is in favour of the proposal.

Conclusion

The recommendation is for delegated approval.

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.