

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0476-19 **Applicant:** Mr Jakir Hossain

Proposal: Change of use from domestic dwelling to House of Multiple Occupation (retrospective)

Location: Wilson House 64 St Thomas Road Spalding

Terminal Date: 9th August 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
10	Meeting Assessed Housing Requirements
17	Providing a Mix of Housing
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SPALDING CIVIC SOCIETY	1	0	0	0
SHDC INTERNAL	0	0	1	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use from a domestic dwelling to a House of Multiple Occupancy at 64 St Thomas Road, Spalding.

Site Description

The site is part of the residential frontage along St Thomas Road which offers a wide range of design and appearances. A row of Victorian houses lie to the north of St Thomas Road whilst larger Victorian dwellinghouses lie to the south of the road. The application's property is a large detached red brick residential building with off street parking and a large garden area to the rear. The site location is within defined settlement limits and Conservation Area of Spalding and is close to the town centre for transport links and amenities.

History

H16-0746-11 - Change of Use from Office to Residential - permission granted.

Consultation Responses

SUDS/ Highways - Does not wish to restrict the grant of Planning Permission

Private Sector Housing - No objections - further detailed comments referred to in Officer Assessment below.

Environmental Health - No objection

Spalding Civic Society - Objection

This is a poor application with amateurish presentation and drawings. Applicants need to learn that applying retrospectively and assuming that objections will not have any validity is just not appropriate. Apart from that, an HMO in St Thomas' Road will have an adverse effect on the location.

One comment was received from a resident which stated that they believe it has been a HMO since at least October 2018 and all works have already been carried out. However, as no other changes are now likely so they see no reason to object to the application.

Planning Policy

The most relevant policy in the determination of this application is Policy 21 of the South East Lincolnshire Local Plan (2011 - 2036):

Policy 21: Houses in Multiple Occupation and the Sub-Division of Dwellings

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; and

8. adequate provision is made for the communal gardens and amenity areas.
Where all of the above criteria are satisfied, the Nationally Described Space Standards¹⁰ (or any successor) will be applied to ensure that the occupiers have adequate floor space.

Planning Considerations

The planning considerations to be taken into account when assessing this application are;

- whether the location is suitable for the Change of Use to a HMO and;
- whether such a change would have an adverse impact on the area and neighbours.

These considerations are discussed in this section.

The application form confirms that no external works are required and that the site can accommodate 4 cars parking off street. It would appear that the application states that no further works are required so it is likely that all works have already been carried out to already create the following internally:

Ground Floor - kitchen, dining room, sitting room, 2 bedrooms, WC with shower room and an additional separate shower room.

First floor - Box room/storage, 4 bedrooms and WC.

South Holland District Council's Private Sector Housing Department (PSH) confirm that the owner of 64 St Thomas Road has applied for a licence for this HMO which has now been granted. Their inspection of the property has shown that all sleeping rooms are of adequate size for the number of occupiers. There were some minor concerns about the size of the kitchen and PSH mentioned that there had been some false fire alarms reported but they do not object and their granting of a licence indicates that the property is suitable for the use.

All certification relating to the property is in date and they have no concerns regarding the use of this property as a HMO.

Currently in St Thomas Road itself there are 5 Licenced properties, this one in consultation stage, 1 suspected as requiring a licence but no application received as yet and 1 property which is a HMO but is exempt from Licensing.

In relation to the criteria set out in Policy 21 of the South East Lincolnshire Local Plan it is felt that the proposals have the ability to meet the general thrust of the policy and the details can be controlled by condition where necessary, the number of HMOs in the street as described by Private Sector Housing above is felt to be acceptable and to not raise any issues warranting refusal of this application.

Conclusion

This is a large dwelling located on a busy residential street, close to the Town Centre facilities. No external works are proposed to the dwelling and any impact on the locality in visual terms would be negligible. 4 cars can be accommodated on site and there appears to be room outside of the property to accommodate secure bicycle storage and the provision of a refuse storage area which would be conditioned in the event of an approval.

The one objection from the Spalding Civic Society does not specifically state any particular reasons to support their objection to a HMO in this location except with regard to the form of the application and the general adverse impact a HMO would have on this road.

Recommendation

APPROVE.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.