

DECISION DELEGATED TO DEVELOPMENT MANAGER**DECISION DELEGATED TO DEVELOPMENT MANAGER**

Application No: H16-0619-20 **Applicant:** Mr D Burchnall

Proposal: Conversion of dwelling into 7 single person HMO

Location: Rosante 23 West Elloe Avenue Spalding

Terminal Date: 25th September 2020

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
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2019**

Section 12 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING AND DISTRICT CIVIC SOCIETY	1	0	0	0
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	7	0	0	2
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CASE OFFICER ASSESSMENT

PROPOSAL

This is an application for the conversion of a dwelling into a 7 single person house of multiple occupancy (HMO) at Rosante 23 West Elloe Avenue.

The proposal seeks to provide three bedrooms, three en-suites, a kitchen and a utility at ground floor level. At first floor level four bedrooms, four en-suites and a bathroom are to be sited. A garage would be converted at ground floor level to create one of the three downstairs bedrooms. No additional windows are to be installed at first floor level.

SITE DESCRIPTION

The proposal is on a row of linear development within the defined settlement limits of Spalding which is the largest settlement in the district. The surrounding area is characterised by detached dwellings of a similar age and varying design. The site is in Environment Agency Flood Zone 3 and in a "Danger for Some" hazard area with a maximum predicted flood depth of 1 metre.

RELEVANT PLANNING HISTORY

H16-0507-04

Full - Erection of first floor extension - Approved - 14 June 2004.

REPRESENTATIONS

LCC - County Highways & SUDS Officer

Requests information for parking arrangements. Consequently, no objections.

Ward Councillor

Cllr G Taylor Objects - Inappropriate location, impact on occupants and neighbours. No amenity space. Inadequate parking provision. Increase in refuse problems. Out of keeping with the character of the surrounding area.

SHDC - Private Sector Housing

If approved property will require a licence under Housing Act 2004. (No other comments have been provided).

SHDC - Environmental Protection Officer

No objections.

Spalding and District Civic Society

The Civic Society entirely endorses Cllr Taylor's comments.

Public

7 Objections received, reasons summarised as follows:

Inadequate parking provision and inadequate parking layout

Increased vehicular movements
Out of character with the surrounding area
Setting a precedent / 63 West Elloe Avenue for conversion to an HMO under reference H16-0934-18 was refused
Noise / General disturbance
No living / dining / internal amenity areas
Flood risk
Concern over maximum number of tenants
Refuse storage / proposal
Foul water disposal capacity
Electricity fusebox capacity
Fire safety
Storage facilities in rooms and in the kitchen
Impact on property value
Fear of criminal activity
Location of a service strip would preclude the parking layout.

PLANNING CONSIDERATIONS

Principle of development

This proposal is assessed against SELLP Policy 21 which is titled HMOs and the Sub-Division of Dwellings. This Policy states:

"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 Standards (or any successor) will be applied to ensure that the occupiers have adequate floor space."

When assessed against the above criteria the following can be observed:

1. The property, whilst the size of a family dwelling, is not in a high density street of terraced / semi-detached properties. The proposal is considered to accord with this criterion.
2. It is considered that increasing the number of occupants in the property will lead to a rise in noise and general disturbance by virtue of increased vehicle movements and a lack of internal amenity space. Specific allegations about criminal activity occurring on the site have been made by a number of objectors and an increase in occupants may serve to increase this problem further. The proposal is not considered to accord with this criterion.
3. The proposed would not materially alter the historic or natural environment but would impact the character of the area in which are sited predominately 3 to 4 bedroom detached family homes. The proposal is not considered to accord with this criterion.
4. Under Section 14 of the application form the agent has answered no to the question "Do the plans incorporate areas to store and aid the collection of waste?" Given the volume of refuse likely to be generated from the property and the reluctance of SHDC to adopt wheelie bins, it is considered that the amount of bin bags outside the property would be unsightly and may generate odour. The proposal is not considered to accord with this criterion.

5. Several objections have already been received about the parking choices made by the current occupants of the property. It is considered that additional occupants will serve to exacerbate existing problems and lead to on-street parking on the A151 which is a busy thoroughfare through Spalding. The proposal is not considered to accord with this criterion.

6. The site has good access - by walking and cycling - to community facilities, services, public transport and local employment. The proposal is considered to accord with this criterion.

7. The proposed room sizes are considered acceptable. Whilst the lack of an internal amenity area is not considered conducive to good mental health of the occupants, and will likely lead to outdoor gathering. Private Sector Housing has expressed no concerns when consulted on this application. Despite Local Planning Authority concerns, the proposal is considered to accord with this criterion.

8. The communal garden area is of an adequate size but the lack of an internal amenity area is not considered conducive to good mental health of the occupants, and will likely lead to outdoor gathering. Private Sector Housing has expressed no concerns when consulted on this application. Despite Local Planning Authority concerns, the proposal is considered to accord with this criterion.

In conclusion, the proposal does not accord with Policy 21 of the SELLP.

Paragraph 8 of the NPPF indicates that there is a presumption in favour of sustainable development and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The three mutually dependent dimensions to sustainable development are social, economic and environmental.

An Economic Role - the proposal may bring some economic benefits because future occupants may well work locally, support local services and make a contribution to the local economy.

A Social Role - the proposal would make a contribution towards the supply of HMO accommodation within the area. The property is located within the built up area of Spalding and would be readily accessible to existing services, facilities and employment premises within the town, plus public transport.

An Environmental Role - The site is located within a pleasant and well maintained residential area within the town. By its very nature the proposed use would result in a significant number of people staying at the property at any time with a considerable amount of activity associated with this use. In reality, it is possible that the property would not be maintained to the same high standards as other family homes within the vicinity. Moreover, the proposal would generate a large number of parked vehicles both on site and within the immediate vicinity of the property. The general locality within which the property sits is predominantly family homes. It is considered that the proposed intensity would be out of character in relation to its location.

Parking provision

County Highways has asked for further clarification for parking arrangements and awaits the agent's response.

Vehicular movements

It is considered that the proposal will lead to an increase in vehicular movements and the size of parking area to the front of the property makes manoeuvrability and the ability to exit the site in a forward gear difficult.

Out of character with the surrounding area

The predominate character of the West Elloe Avenue is three to four bedroom detached family homes. A seven bed HMO in this location would be out of keeping with the character of the surrounding area.

Setting a precedent

Some objectors make reference to a refused application for an HMO at 63 West Elloe Avenue under H16-0934-18. The proposal is similar in some instances but each application is judged on its

own merits against local and national policy.

Noise / general disturbance

It is considered that increasing the number of occupants in the property would lead to a rise in noise and general disturbance by virtue of increased vehicle movements and a lack of internal amenity space. Specific allegations about criminal activity occurring on the site have been made by a number of objectors and an increase in occupants may serve to increase this problem further. The proposal is not considered to accord with this criterion.

No amenity areas

The communal garden area is of an adequate size but the lack of an internal amenity area is not considered conducive to the health and wellbeing of the occupants, and may be likely to lead to outdoor gathering that would have an impact on the residential nature of the surrounding area.

Private Sector Housing has expressed no concerns when consulted on this application.

Flood risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as "Danger to Most". The proposal is introducing bedrooms onto the ground floor and is therefore considered to be a more vulnerable use with an increased risk to occupants. There are alternative sites within Spalding that are at a lower risk of flooding. Consequently, the proposal fails to satisfy the sequential test.

Concern over maximum number of tenants

The proposal is for the 7 single person rooms and has been assessed on this basis. If approved, a license would be granted for 7 occupants only.

Refuse storage / proposal

Under Section 14 of the application form the agent has answered no to the question "Do the plans incorporate areas to store and aid the collection of waste?" Given the volume of refuse likely to be generated from the property and the reluctance of SHDC to adopt wheelie bins, it is considered that the amount of bin bags outside the property would be unsightly and may generate odour. The proposal is not considered to accord with this criterion.

Surface water and foul water disposal capacity

Surface water drainage would remain unaltered. Foul water would be disposed of to the mains sewer as presently. The latter falls within the remit of Anglian Water.

Electricity fuse box capacity

This is a matter for assessment by the Building Control section.

Fire safety

This is a matter for assessment by the Building Control section.

Lack of storage provision

Whilst the Local Planning Authority does have concerns about storage space, especially in Room 2, the Private Sector Housing Officer has no objections to the proposal.

Impact on property value

This is not a matter that is given material planning weight.

Criminal activity

This is a matter beyond the control of planning, however the fear of crime is considered to be a relevant consideration, given the large volume of existing complaints it is considered that an increase in occupants may only serve to increase residents' fears.

CONCLUSION

Whilst the proposal would bring some economic benefits to the area and make a contribution towards the supply of HMO accommodation within Spalding, this is significantly outweighed by other adverse factors. The proposed intensity of use would be out of character with the domestic nature of surrounding dwellings and would cause a significant and adverse impact on residential amenity by way of noise and disturbance and levels of activity out of keeping with this residential area. The proposal is therefore contrary to Policies 2, 3 and 21 of the South East Lincolnshire Local Plan, 2019 and to the provisions of the National Planning Policy Framework, 2019.

Moreover, the South East Lincolnshire Strategic Flood Risk Assessment (2017) indicates that the site is within an area identified as "Danger to Most" in flood risk terms. The proposal is introducing bedrooms onto the ground floor and is therefore a more vulnerable use with an increased risk to occupants. There are alternative sites within Spalding that are at a lower risk in flood risk terms and are therefore sequentially preferable. This is in accordance with advice within Section 14 and more specifically Paragraph 158 of National Planning Policy Framework, 2019.

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

Recommendation is for refusal.

Note: This application was referred to Chairman's Panel on 25 September 2020, where it was agreed the decision could be delegated to officers.