DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0630-22**	**Applicant:**	**Mr G Wiglusz**
Proposal:	Change of Use from C2 Residential Institution to C4 House of Multiple Occupation including associated internal alterations		
Location:	34 - 36 Westlode Street Spalding		
Terminal Date:	19th August 2022		

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
24	The Retail Hierarchy
28	The Natural Environment
29	The Historic Environment
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 7: Ensuring the vitality of town centres
Section 9: Promoting sustainable transport
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks approval for the change of use of No. 34-36 Westlode Street, Spalding to a six-bedroom House in Multiple Occupation (HMO) (Use Class C4). The application states that the existing use of the property is a residential institution (Use Class C2), with seven bedrooms.

Site Description

No. 34-36 Westlode Street is a two-storey, semi-detached property that is located on the north-side of Westlode Street. To the west is a residential property and to the east is a bar and restaurant.

The site is located within the Town Centre boundary of Spalding, Spalding Conservation Area and in close proximity to two Grade II Listed Buildings (Spalding Quaker Meeting House and No. 64 and 65 Westlode Street).

History

There is no relevant planning history on site.

Consultation Responses

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
No objections.

South Holland District Council's Environmental Protection Team
No objections.

Planning Considerations

Principle

The site is located within the settlement boundary of Spalding, which Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) identifies as a Sub-Regional Centre. Policy 1 goes on to state that development within the settlement boundary of Spalding will be permitted that supports its role as a Sub-Regional Centre.

The site is also located within the Town Centre boundary of Spalding. Policy 24 of the adopted Local Plan states that the centre of Spalding will be the locational focus for the development of town centre uses: retail, food and drink outlets, financial and professional services, leisure and tourist-related uses. Whilst residential is not listed as a main town centre use in the adopted Local Plan, paragraph 86 of the National Planning Policy Framework (NPPF, 2021) recognises that residential development often plays an important role in ensuring the vitality of centres. Furthermore, the proposal would see the property change use from one form of residential accommodation (Use Class C2 - Residential Institution) to another (Use Class C4 - House in Multiple Occupation).

Policy 21 of the adopted Local Plan sets out the criteria for proposals for the creation of Houses in Multiple Occupation and is assessed below:

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;

Given the existing use of the property is a Residential Institution (Use Class C2), the proposal is considered to satisfy the above criterion.

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;

As the number of bedrooms within the property would decrease by one as a result of the proposal, it is considered that the proposal would not result in any noise, overlooking, general disturbance or impact on visual amenity over and above the existing arrangement.

3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;

The site is located within the Spalding Conservation Area and is within close proximity to two Grade II Listed Buildings (Spalding Quaker Meeting House and No. 64 and 65 Westlode Street). Given the proposed change of use would not result in any external alterations and the existing and proposed uses are similar in nature (providing residential accommodation), the proposal is considered to satisfy the above criterion.

4. adequate provision is made for the storage and disposal of refuse and recycling;

The proposed floor plans indicate an area to the rear of the property for the storage of refuse and recycling in relatively close proximity to the public highway, as such is considered to satisfy the above criterion.

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;

As the proposal would see an overall decrease in number of bedrooms at the property from seven to six, it can be reasonably assumed that the proposal would not have a significant adverse impact on the provision on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area. Furthermore, the proposal includes the provision of a cycle storage to the rear of the property to encourage the use of sustainable forms of transport.

6. the site has good access - by walking and cycling - to community facilities, services, public transport and local employment;

As the site is located within the Town Centre boundary of Spalding and approximately 300m from the Primary Shopping Area, it is considered to have good access by active transport 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

The proposed floor plans indicate an adequate standard of residential accommodation and residential amenity. As such, this criterion is considered to be satisfied.

8. adequate provision is made for the communal gardens and amenity areas.

As shown on the submitted floor plans, there is an adequately sized communal garden and amenity area to the rear of the property. As such, this criterion is considered to be satisfied.

Policy 21 goes on to state that where all of the above criteria are satisfied, the Nationally Described Space Standards will be applied to ensure that the occupiers have adequate floor space. Whilst the proposal does not strictly accord with the Nationally Describe Space Standards in that 'Single Bed 2' only measures 7.4m2 as opposed to the required 7.5m2, given the room is currently used as a bedroom for the existing use, it would be unreasonable to refuse planning permission on this basis.

On balance, the principle of development is considered to be acceptable and the proposal would be in accordance with Policies 1, 2, 3, 21, 28, 29 and 36 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (NPPF, 2021).

Flood Risk and Drainage

The site is located within Flood Zone 3 with no flood risk to people as set out by the South East

Lincolnshire Strategic Flood Risk Assessment (2017). As the proposal seeks permission for the change of use, a sequential test is not required. Whilst the proposed residential use would be classified as 'More Vulnerable' in line with Planning Practice Guidance and therefore deemed inappropriate, it would be unreasonable to refuse planning permission on this basis given the existing, residential use.

It is proposed to dispose of foul drainage and surface water via mains sewer. As this is the existing arrangement, the proposal is considered to be acceptable.

Overall, the proposal is considered to be acceptable in terms of flood risk and drainage and would therefore be in accordance with Policy 4 of the adopted Local Plan (SELLP, 2019) and the guidance within the NPPF (2021).

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 represents an acceptable form of development within the settlement boundary of Spalding. It is therefore in accordance with Policies 1 and 21 of the South East Lincolnshire Local Plan (SELLP, 2019) in this regard. Furthermore, it is considered that the proposal would be acceptable in terms of design, impact on heritage assets, highway safety and flooding and would therefore be in accordance with policies 2, 3, 4, 29, 36 and Appendix 6 of the adopted Local Plan as well as the guidance within the Local Plan.

Overall, the planning balance is considered to be in favour of the proposal.

Conclusion

The recommendation is therefore for a 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.