DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0876-19**	**Applicant:**	**Mr Nigel Hutton**
Proposal:	Change of use of domestic dwelling to House of Multiple Occupancy - retrospective		
Location:	172 Woolram Wygate Spalding		
Terminal Date:	31st October 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 5 & 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	1	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a retrospective full application for change of use of a domestic dwelling to House of Multiple Occupancy at 172 Woolram Wygate, Spalding. The proposal intends to provide two bedrooms, a shower room, en-suite a combined kitchen / dining area at ground floor level. At first floor level, four bedrooms, an en-suite and a bathroom are to be provided.

Site Description

The proposal is within defined settlement limits, immediately to the west of the Spalding to Lincoln railway line. The surrounding area is characterised by dwellings of varying ages and design.

History

H16-1121-97

Full - Erection of two houses and detached single garages including demolition of existing house - Approve - 18 December 1997

H16-0466-16

Full - Proposed extension and alteration - Approve - 13 July 2016.

Consultation Responses

Private Sector Housing

Support. The Officer has confirmed that the property has been a licensed HMO since 03 May 2019 and has a maximum permitted number of 11 tenants.

Welland & Deepings Internal Drainage Board

"The Board's Pennygate pipeline runs through the front land at no 172 Woolram Wygate and appears to be less than nine metres from the front elevation of the property. although the extension is no further forward than the existing property, an application to relax the nine metre byelaw would need to be submitted in advance."

Officer comment - The extension has been completed after having been approved under reference H16-0466-16. The IDB comment is not considered to carry material planning weight when making a decision on the current application.

Environmental Health Technician

No objection.

County Highways & SUDS Officer

No objection.

Planning Considerations

- Principle of development

- Impact on amenity

Principle of development

The principle of a HMO in this dwelling is sound. Policy 21 of the South East Lincolnshire Local Plan is titled - 'Houses in Multiple Occupation 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 Standards10 (or any successor) will be applied to ensure that the occupiers have adequate floor space."

The proposal is considered to meet all of the above criteria. There is ample living space for tenants and the Private Sector Housing department supports the proposal.

Impact on amenity

There is not considered to be an impact on the amenity of tenants or neighbours. There is adequate parking provision to the front of the building and there has been no history of noise / disturbance complaints from nearby properties.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 21, 30 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5 and 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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.