

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0901-22 **Applicant:** Mr A Adegbulu

Proposal: Use of site as House of Multiple Occupation (to change from 5 bed sits to 6 bed sits)

Location: 15 Church Gate Spalding

Terminal Date: 9th November 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Not applicable.

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 192 Lawful Use Certificate Application for an increase from 5 bedsits to 6 bedsits at an existing house of multiple occupation at 15 Church Gate, Spalding. No external alterations will be made to the existing building, with the additional first floor bedroom served by an existing frontage window.

SITE DESCRIPTION

The property is within defined settlement limits and the Conservation Area of Spalding and is a Grade II Listed Building. The surrounding area is characterised by residential development of varying ages and designs. The building is in Environment Agency Flood Zone 3 and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping. This proposal is for a lawful use certificate and therefore potential flood risk is not a material planning concern.

RELEVANT HISTORY

H16-0799-94

S191 Lawful Use Certificate - Change of use from domestic to five bedsits - Approved - 30

September 1994

CONSULTATION RESPONSES

None

PLANNING CONSIDERATIONS

This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed use would be lawful.

The following has been submitted in support of the application:

Site Location Plan
Existing Site Plan
Existing Ground Floor Plan
Existing First Floor Plan
Existing Second Floor Plan
Existing Roof Plan
Existing South Elevation
Existing West Elevation
Existing East Elevation
Existing North Elevation
Proposed First Floor Plan

The previous and proposed uses are both considered to fall within Class C4 of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Thus no material change of use is proposed.

No prohibitive conditions were imposed upon the 1994 consent that would preclude this proposal. The proposed internal works will not affect the setting or character of the Grade II Listed building.

PLANNING BALANCE

The proposed use falls within the threshold of a maximum of 6 unrelated persons in a C4 property without requiring planning permission. A full planning application is not required in this instance.

CONCLUSION

The proposed increase from 5 to 6 bedsits constitutes a lawful use.

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.