

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1148-21 **Applicant:** DC Architectural Services Ltd.

Proposal: Change of use from existing house of multiple occupation to two self contained flats.

Location: 7 Spring Gardens Spalding

Terminal Date: 28th January 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
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 2021

Sections 5, 12 and 14 of the National Planning Policy Framework (2021)

5 - Delivering a sufficient supply of homes

12 - Achieving well-designed places

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
---------------	---	---	---	---

CASE OFFICER ASSESSMENT

PROPOSAL

This is an application for a change of use from existing house of multiple occupation to two self contained flats at 7 Spring Gardens. The current property provides a 5 bedroom house of multiple occupancy. This application seeks to provide a ground floor flat with an open plan lounge / kitchen as well as a bathroom. Some windows will be relocated or made obscure glazed at ground floor level to facilitate the internal alterations. At first floor level a flat with bathroom, bedroom and open plan kitchen / lounge will be provided. No window alterations are to be made at first floor level. To the rear of the site, two amenity areas will be provided, which will be separated by 2 metre high close boarded timber fencing. External materials of construction are not being altered.

SITE DESCRIPTION

The proposal site is within the defined settlement limits of Spalding which is the largest settlement in the district. Residential development is located to the north, east, south and west of the proposal site. The garden of 8 Spring Gardens is located to the south and the dwelling of 8 Spring Gardens is located beyond a 1.8 metre high fence to the west. To the north are 35b Spring Gardens and the Royal British Legion with the side elevation of 6 Spring Gardens to the east. The site is within Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

None

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Protection Officer

No objections.

Welland & Deepings Internal Drainage Board

No objections.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Sub-Regional Centres. This section of the policy states:

"Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub-Regional Centres."

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

This proposal will help to provide flat accommodation which is a much desired dwelling type.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The size and scale of the proposal is not altered by this proposal. The layout is altered but it will not lead to any new fenestration or room arrangement negatively impacting occupant or neighbour amenity. No trees will be removed to facilitate this proposal. The character and appearance of the area is not impacted by the proposed flat use. The relationship to existing development and land use is unaltered as the building remains in residential use.
2. The design and orientation is not materially altered save for fenestration arrangement at ground floor level.
3. Materials of construction will not be altered to facilitate this proposal.
4. The vehicular access is not being altered to facilitate this proposal. Vehicular generation levels are considered to be reduced by this proposal. The site has 5 occupants which may necessitate the need for 5 parking spaces, the proposal will have a reduced number of occupants, which means their parking needs can likely be served by the off road parking to the eastern side elevation of the property. This proposal accords with Appendix 6 of the SELLP.
5. The capacity of existing community services and infrastructure is not impacted by this proposal.
6. The proposal is considered to reduce levels of noise, odour and disturbance by virtue of a reduction in the number of occupants. With regard to overlooking, at ground floor level the amenity areas to the rear of the property will be separated by fencing. The rearranged window arrangements at ground level fall under permitted development but these are required as part of the proposed conversion to flats. Any new windows in the ground floor eastern elevation face the blank side elevation wall of 6 Spring Gardens. There existing rooms at first floor level remain for residential use, with the bathroom not changing location. Therefore, it is not considered there will be an increase in overlooking at ground floor level. Overlooking between the two amenity areas will not be possible at ground floor level as the areas will be separated by a two metre high close boarded timber fence.

There is not considered to be an negative impact from overshadowing, overbearing or overdevelopment as the length, width and height of dwelling is not being altered.

7. The site is within Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels are not being altered to facilitate this development.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy

states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. A sense of place is not considered to be impacted by this proposal. The size and scale of the proposal is not altered by this proposal. The layout is altered but it will not lead to any new fenestration or room arrangement negatively impacting occupant or neighbour amenity. No trees will be removed to facilitate this proposal. The character and appearance of the area is not impacted by the proposed flat use. The relationship to existing development and land use is unaltered as the building remains in residential use.

4. The proposal site is a 5 minute walk of Spalding train and bus station. It is considered that the site is well served by public transport.

5. The storage of refuse and the parking of bicycles is not considered to be impacted by this proposal. The vehicular access is not being altered to facilitate this proposal. Vehicular generation levels are considered to be reduced by this proposal. The site has 5 occupants which may necessitate the need for 5 parking spaces, the proposal will have a reduced number of occupants, which means their parking needs can likely be served by the off road parking to the eastern side elevation of the property. This proposal accords with Appendix 6 of the SELLP.

11. The proposal is considered to reduce levels of noise, odour and disturbance by virtue of a reduction in the number of occupants. With regard to overlooking, at ground floor level the amenity areas to the rear of the property will be separated by fencing. The rearranged window arrangements at ground level fall under permitted development. Any new windows in the ground floor eastern elevation face the blank side elevation wall of 6 Spring Gardens. There existing rooms at first floor level remain for residential use, with the bathroom not changing location. Therefore, it is not considered there will be an increase in overlooking at ground floor level. Overlooking between the two amenity areas will not be possible at ground floor level as the areas will be separated by a two metre high close boarded timber fence.

There is not considered to be an negative impact from overshadowing, overbearing or

overdevelopment as the length, width and height of dwelling is not being altered.

12. The site is within Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Finished floor levels are not being altered to facilitate this development.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 21 - Houses in Multiple Occupation and the Sub-Division of Dwellings

This proposal is assessed against SELLP Policy 21 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.

Whilst this application is for a change of use from an HMO to two flats, Policy 21 is still considered to be appropriate as the current HMO use falls under a C3 dwellinghouse. When assessed against the above relevant criteria the following can be observed:

1. Whilst the proposal would result in the loss of a family sized dwelling, the high density usage of the property will be reduced by the installation of two flats.
2. The proposal is considered to reduce levels of noise, odour and disturbance by virtue of a reduction in the number of occupants. With regard to overlooking, at ground floor level the amenity areas to the rear of the property will be separated by fencing. The rearranged window arrangements at ground level fall under permitted development. Any new windows in the ground floor eastern elevation face the blank side elevation wall of 6 Spring Gardens. There existing rooms at first floor level remain for residential use, with the bathroom not changing location. Therefore, it is not considered there will be an increase in overlooking at ground floor level. Overlooking between the two amenity areas will not be possible at ground floor level as the areas will be separated by a two metre high close boarded timber fence.

There is not considered to be an negative impact from overshadowing, overbearing or overdevelopment as the length, width and height of dwelling is not being altered.

3. There is not considered to be a material impact on the character and appearance of the surrounding area as the materials of construction and frontage design are not being altered.

4. There is adequate space on site for the storage of refuse and recycling in the two amenity areas to the rear of the flats.

5. As the building would be reduced from 5 occupants to fewer occupants it is considered that if each occupant has a car this can be accommodated to the driveway to the side of building, therefore significantly reducing any instances of on-street parking, and improving highway safety.

6. The site has good access - by walking and cycling - to community facilities, services, public transport and local employment. The town centre is a three minute walk away, with the local bus and train station approximately five minutes away.

7. An adequate standard of accommodation and amenity is provided for future occupants. Both flats meet the national described space standard minimum requirement of 39 square metres for one person or 50 square metres for two persons in a one bedroom flat. Both flats have adequate storage space available above 1 square metre in size.

8. Adequate provision is made for the communal gardens and amenity areas. The amenity areas are large enough for recreation and refuse storage for each flat without impeding occupant or neighbour amenity.

This application accords with SELLP Policy 21.

PLANNING BALANCE

The proposed flats can be accommodated without materially impacting the character and amenity of the surrounding area. It is considered that the reduction in the number of occupants will improve on street parking provision and reduce the levels of disturbance and amenity impact on neighbouring properties. This application is considered to accords with Policies 1, 2, 3, 4, 10, 11, 17, 21 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for 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.