DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1160-22**	**Applicant:**	**A P I Ltd.**
Proposal:	Change of use and conversion from existing HMO (use class C4) to 2no. residential units (use class C3)		
Location:	33 Westlode Street Spalding		
Terminal Date:	27th January 2023		

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
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

Section 12- Achieving well-designed places.
Section 16 - Conserving and enhancing the historic environment

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
OTHER STATUTORY	1	0	0	0

BODIES				

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application which seeks permission for the change of use and conversion from existing HMO (use class C4) to 2no. residential units (use class C3) at 33 Westlode Street, Spalding.

Site Description

The site area is located immediately to the rear of the amenity space belonging to number 33 Westlode Street. It is accessed through an existing shared access which is a narrow strip which runs from between the buildings known as 32 and 33. The application site is situated in a backland plot which is obscured from public realm views.

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

H16-0285-17 - Condition Compliance - Approved

H16-0482-16 - Conversion of garages into two dwellings - Refused

H16-1243-16 - Demolition of garages and the erection of a single storey two bed dwelling - Approved

Consultation Responses

SHDC Conservation Officer

I wish to raise no objections to this proposal from a conservation perspective. The proposal site is not a structure of any historic or architectural significance and is situated in a backland plot, obscured from public realm views. Therefore, the proposed internal alterations and change of use are not considered to be of consequence to the character, significance or value of the designated heritage asset (the Spalding Conservation Area). The case officer, therefore, should continue to consider this application in accordance with Policy 29 of the SELLP and S16 of the NPPF, in addition to all other relevant policies and guidance.

LCC Highways/SUDS

No objection.

It is considered that a change of use from a HMO to two units of residential accommodation would not have an unacceptable impact upon highway safety. The site is within the centre of Spalding where there is a wide range of shops, services, employment opportunities and public transport options for it not to be necessary for residents of the proposed accommodation to have the use of a private motor vehicle to go about their daily lives. It is therefore not essential that the proposed dwellings have their own off-street car parking. It would be useful however if some sheltered secure parking could be provided within the units for cycles.

In view of the above, the highway authority does not wish to object to the grant of Consent for this Application.

Pedals

This application should only be approved if amended to show acceptable details of cycle storage, in accordance with the relevant policies of the local plan and the Government's policies to encourage Active Travel.

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 C4 - House in Multiple Occupation) to another (Use Class C2 - Residential Institution). It is therefore acceptable in principle.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that 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.

The building is currently a single storey HMO building with a pitched roof that has six bedrooms. The site is situated in a backland plot which is obscured from public realm views. There are no external proposed changes to the building, and as such, it is considered to comply with the aforementioned policies on design, layout and impact upon the character of the local area.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Residential Amenity

Paragraph 130 of the National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

It is not considered that the proposal would overshadow, overlook or be overbearing to the neighbouring properties. With regards to loss of privacy, the scheme does not propose any new window openings directly facing any neighbours therefore there are no loss of privacy concerns.

With regards to the flat sizes, The Nationally Described Space Standards state that a one bedroom flat that can sleep one with a shower room should be 37m2 and one that should sleep two should be 50m2. The one bedroom flat proposed is 40.1m2 and therefore meets the minimum standard for 1 person, plus the bedroom measures 12.3m2 when the Space Standards advise the bedroom to be 11.5m2. Flat 1 also has a large storage area that could be amended to living space in the future.

Flat 2 has two bedrooms that can sleep four. The Nationally Described Space Standards state that a two bedroom flat that can sleep three should be 61m2 and one sleeping four should be 70m2. The two bedroom flat proposed is 60.6m2 and therefore meets the minimum standard for 3 persons,

plus the bedrooms measure 12.1m2 when the Space Standards advise the bedroom to be 11.5m2.

In light of the above although both flats are below the advised size within the Space Standards it is considered that the flats are big enough for living accommodation. It is also noted that there is a lack of external amenity space, however the flats are located within Spalding Town Centre with the River Welland and public open spaces located close by.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Highway safety and parking

The Local Highway Authority have raised no objections to the application on highway safety or parking grounds, commenting that:

" It is considered that a change of use from a HMO to two units of residential accommodation would not have an unacceptable impact upon highway safety. The site is within the centre of Spalding where there is a wide range of shops, services, employment opportunities and public transport options for it not to be necessary for residents of the proposed accommodation to have the use of a private motor vehicle to go about their daily lives. It is therefore not essential that the proposed dwellings have their own off-street car parking. It would be useful however if some sheltered secure parking could be provided within the units for cycles.

Taking the above into account, it is considered that it would be unreasonable to refuse the application on parking or highways grounds and the proposal satisfactorily accords with Policy 2 of the Local Plan.

Flood Risk and Drainage

The site is located within Environment Agency Flood Zone 3 with no identified increased flood risk to people as set out by the South East Lincolnshire Strategic Flood Risk Assessment (2017). As the proposal seeks permission for a 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. Furthermore, it is considered that the proposal would be acceptable in terms of design, impact on heritage assets, highway safety, flooding and amenity grounds.

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

Conclusion

In light of the considerations above, the principle of development is considered to be acceptable and the proposal would be in accordance with Policies 1, 2, 3, 24, 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).

The recommendation is therefore to approve under delegated powers.

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.