

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 09 February 2022

(Author: Polly Harris-Gorf - Principal Planning Officer)

Purpose: To consider Planning Application H16-1320-21

Application Number: H16-1320-21

Date Received: 20 December 2021

Application Type: FULL

Description: Change of use and conversion from two bed dwelling to 2 one bed flats

Location: 15 SOUTH PARADE SPALDING

Applicant: South Holland District Council **Agent:** Framework

Ward: Spalding St Johns **Ward Councillors:** Cllr M Hasan
Cllr J D McLean

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-1320-21>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application has been submitted on behalf of South Holland District Council.

2.0 PROPOSAL

2.1 Full application for the change of use and conversion from a two bed dwelling to 2 one bed flats. Minor alterations to fenestration and the position of an external ground floor door are proposed.

2.2 The scheme proposes four parking spaces, in the form of tandem spaces, accessed from South Parade, following the demolition of an existing shed/garden room and the resiting further back in to the plot of the side/front garden fence.

2.3 The application is supported by a Design and Access Statement, Nationally Described Space Standards Assessment and Flood Risk Assessment.

3.0 SITE DESCRIPTION

3.1 The site consists of a semi detached, two storey dwelling, on the south-eastern side of South Parade. The frontage has railings and gates. A short rear garden is accessed via a gate to the side.

3.2 The house in question is not large, has a small box room, which would be a small third bedroom and does not meet the definition of a family dwelling in Policy 21 of the South East Lincs Local Plan (SELLP).

- 3.3 South Parade is a high density residential street of terraced and semi-detached dwellings, within Flood Zone 3.
- 3.4 There is a group of 4 Grade II Listed almshouses, Kingston Cottage Homes, to the north, separated from the site by Nos.11 and 13.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019 (SELLP)

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policies:

- 1 Spatial Strategy
- 2 Development Management
- 3 Design of New Development
- 4 Approach to Flood Risk
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 17 Providing a Mix of Housing
- 21 HMOs and the Sub-Division of Dwellings
- 28 The Natural Environment
- 29 The Historic Environment
- 36 Vehicle and Cycle Parking
- Appendix 6 Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Sections:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 None.

6.0 REPRESENTATIONS

6.1 SHDC Environmental Protection

Pollution - No comments or objections.

Noise - no objection.

6.2 LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

The proposal is for the change of use and conversion from a two bedroom dwelling to two one bedroom flats and adequate provision for car parking is proposed within the limits of the site, therefore it is considered that the proposals would not result in an unacceptable impact upon highway safety.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

6.3 Welling & Deepings Internal Drainage Board

Have no comment to make.

6.4 Environment Agency

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the finished floor levels are set no lower than existing levels, in accordance with the submitted Flood Risk Assessment and controlled by planning condition.

6.5 Public

A petition of 19 signatures has been received, signed by residents of Regent Street and South Parade -

- "object to the change of use and conversion from two bed dwelling to 2 one bed flats."

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The main issues in this case are:

Principle of Development
Layout and Design
Highway safety and parking
Flooding
Impact of neighbouring Residents/land users
Heritage considerations

7.3 Principle of Development

7.4 The property is located within the settlement boundary of Spalding, within a predominantly residential area, where residential development is to be focussed.

7.5 *Policy 21 - HMOs and the Sub-Division of Dwellings*, sets out a number of criteria. For ease the policy is set out in full below:

7.6 *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 Standards (or any successor) will be applied to ensure that the occupiers have adequate floor space.

At para 5.13.4 the SELP sets out that in applying this policy, 'family-sized dwellings' means houses with 3 or more bedrooms and 'high density residential streets' should be taken as meaning streets of predominantly terraced and/or semi-detached properties.

7.7 The application addresses these points in turn, as follows:

7.8 1. 15 South Parade is a semi-detached two bedroom house, as such it is not classified as a family dwelling. While it does have a small first floor box room this is less than 3sqm and cannot accommodate a single bedspace. Hence why it has never been marketed as a 3-bedroom house.

2. The proposed alterations do not add any additional windows into the elevations, they will have no impact on the amenities of the surrounding properties.

The impact on the adjoining property has been mitigated by keeping existing room uses as they are currently as much as practicable. The existing layouts provide good acoustic separation with the ground floor hall and staircase positioning.

The inclusion of a first-floor kitchen area to the rear of the first floor can have additional acoustic wall treatment along the party wall in this area if required.

3. The proposals do not adjust the external appearance of outward looking the front or gable facades. While the existing driveway and railing will be adjusted this will not impact on the character and appearance of the area, including the historic and natural environment.

4. The proposed flats both have adequate internal kitchen storage units along with secure gated garden areas at the rear.

5. The proposals provide 4 parking spaces in total. This we feel is more than adequate to serve the two proposed 1 person single occupancy flats, and meets the requirements set out in appendix 6 of the local plan. Both flats also have sheds positioned in their secure rear gardens which can provide 1 cycle space per dwelling.

6. The existing site is well positioned in an existing residential area. The town centre is within easy walking distance and offers a full range of shopping, banking, leisure, commercial, educational and medical facilities along with bus and railway stations.

The page over leaf shows a 400m walking distance from the subject site. As noted in section 5.13.8 of the local plan this is an accepted as an appropriate walking distance to the existing key services, facilities and public transport nodes on Winsover Rd.

7. The proposed flats are designed to meet the national described space standards for a 1- bed 1-person flat, including the minimum 1m² internal storage areas.

The proposals also subdivide the generous existing garden areas to provide dedicated external amenity spaces for both flats.

8. The proposals do not contain any 'communal' gardens or amenity areas.

As noted above the proposed 1-bed 1- person flats are designed to meet NDSS for a 1bed flat with a shower room. They also included the minimum 1m² internal storage along with secure

external garden areas, as detailed in the Design and Access statement."

- 7.9 The objection to the principle of the development set out within the petition that has been received is addressed above. As can be seen, it is the opinion of officers that the proposal addresses the intentions of Policy 21 of the SELLP.
- 7.10 Layout and Design
- 7.11 The layout and design of the proposals are addressed above. The layout would provide two flats that accord with the Nationally Described Space Standards.
- 7.12 The scheme proposes minimal alterations to the facades of the building, and the front facade in particular is to remain intact.
- 7.13 It is considered that the scheme accords with Policies 2 and 3 of the SELLP in this regard.
- 7.14 Highway safety and parking
- 7.15 Although South Parade is a high density residential street, the proposal provides parking spaces within the curtilage of the building, and would not compromise parking within the street. The proposal would provide four parking spaces, which for two flats would accord with the standards set out in the SELLP.
- 7.16 The LCC Highway Service has considered the scheme, including the location and form of the parking arrangements and conclude that the proposals would not result in an unacceptable impact upon highway safety.
- 7.17 It is considered that the scheme accords with Policies 2 and 3 of the SELLP in this regard.
- 7.18 Flooding
- 7.19 The NPPF states that "Applications for some minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments."
- 7.20 The proposed development is for a change of use and therefore not subjected to the Sequential and Exception Tests.
- 7.21 The application is supported by a flood risk assessment. The floor levels of the existing dwelling are already raised above the road level and therefore no additional flood mitigation is proposed. The condition request of the Environment Agency is within the recommendation of this report.
- 7.22 Impact of neighbouring Residents/land users
- 7.23 The proposals would not impact upon the amenities of adjoining occupiers, being a residential use for two x 1-bedroom flats. It is considered that the proposals accord with Policies 2 and 3 of the SELLP in this regard.
- 7.24 Heritage considerations
- 7.25 The proposal would have no impact upon the listed buildings of Kingston Cottage Homes, which are a few doors away from the site. The proposals make no change to the front facade of the application building and the character of the property and this part of South Parade would remain.
- 7.26 It is therefore considered that the proposal accords with Policy 29 of the SELLP.

7.27 Planning Balance

7.28 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.

7.29 The proposed conversion would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 17, 21, 28, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

7.30 Conclusion

7.31 There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

7.32 **Additional Considerations**

7.33 Public Sector Equality Duty

7.34 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.

7.35 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.36 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.

7.37 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).

7.38 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.

8.0 RECOMMENDATIONS

- 8.1 Grant permission subject to the conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application form

Design and Access Statement. HU/PL/J2142 20th December 2021

Nationally described space standards assessment. HU/PL/J2142 20th December 2021

Flood Risk Assessment. RLC/0920/FRA01December 2021

J2114200104

J214200106 A

J2142001C1 A

J214200102 C

J214200103 A

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (RLC/0920/FRA01December 2021) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

Finished floor levels shall be set no lower than existing levels.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

4. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of *each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.

This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

5. The four parking spaces hereby approved within drawing reference J214200102 C shall be retained for the use of the dwellings hereby approved and shall not be used for any other purpose.

Reason: In order to ensure sufficient parking for the development and in the interests of highway and pedestrian safety.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019.

6. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report

Appendix A Plan A

MapThat Scale Print Title

