

F/YR16/1185/F

Applicant: Mr Alan Samuels

**Agent : Mr Chris Walford
Peter Humphrey Associates Ltd**

17 Leverington Road, Wisbech, Cambridgeshire, PE13 1PH

Change of use from 5-bed dwelling (C3) to 9-bed house of multiple occupancy (C4 use class) and external alterations to building

Reason for Committee: Local opposition to the proposal.

1 EXECUTIVE SUMMARY

This scheme for a change of use has been amended during the processing of the application following the concerns about parking provision expressed by both Wisbech Town Council and local residents. Unfortunately they maintain their objection.

However, in HMO cases it may be asserted that residents would have a lower level of car ownership. In addition, it may be argued that premises may lawfully be occupied by a large single household which may give rise to even greater parking requirements than a multiple occupation use.

On appeal, inspectors have accepted that greatly reduced or nil parking requirements for HMOs are acceptable given the likely demand based on a common sense evaluation of the particular case - proximity to public transport, shops etc being important factors as well as capacity on and off site and roadside parking controls operating.

The site is situated close to the town centre with good access to services. The applicant has provided 11 parking spaces for a 9 bedroom HMO. With this in mind, it is not considered that the parking provision at this site will significantly impact of the residential amenity of other occupants within the vicinity.

As such it is considered that the proposal complies with Policies LP2, LP14, LP15 and LP16 and is recommended for approval.

2 SITE DESCRIPTION

- 2.1 The site is located on the edge of Wisbech Town Centre fronting onto Leverington Road. It is a detached 5-bed property which has fallen into disrepair. Rubbish and builders debris has been deposited on the site especially within the side garden. The application red line has been extended and now includes the side garden. To the rear is Wisbech General Cemetery. The site is within Flood Zone 3.

3 PROPOSAL

- 3.1 The proposal is for the conversion of the property to a 9 bed House of Multiple Occupation (HMO). External alterations are also proposed including: the blocking

up of a door and removal of steps; and a new door and stepped access x 2. Eleven parking spaces are to be provided. The existing access is to be widened. A Waste storage area has also been added.

3.2 The following schedule of accommodation is proposed. The applicant has indicated that they can't be sure at this stage whether a single occupant might occupy a double room, so the numbers in reality might be less, but the following is the maximum number (16 occupants):

- Bedroom 1 = Double room
- Bedroom 2 = Double room
- Bedroom 3 = Double room
- Bedroom 4 = Single room
- Bedroom 5 = Double room
- Bedroom 6 = Double room
- Bedroom 7 = Double room
- Bedroom 8 = Single room
- Bedroom 9 = Double room

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OJ9LYUHE01U00>

4 SITE PLANNING HISTORY

None since 1974.

5 CONSULTATIONS

5.1 Wisbech Town Council

Object to the application on the basis that the site provides insufficient facilities for the off street parking of occupiers' vehicles; this is likely to result in additional on-street parking in the area, which would be detrimental to highway safety (particularly given the close proximity of the application site to the Peckover Primary School). Given its experience of HMOs in the town, Wisbech Town Council does not share the opinion of the applicant's planning agent that the revised parking provision has overcome the council's concerns. Wisbech Town Council is keen to see the refurbishment of this property but not through the grant of planning permission for the current proposal.

5.2 FDC Private Sector Housing Officer

No objections

5.3 Environment Agency

We have reviewed the Flood Risk Assessment (FRA) submitted and find the details acceptable. However, the proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA prepared by Peter Humphrey Associates Ltd are implemented in full unless otherwise agreed by the planning authority.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

5.4 Housing Strategy and Enabling Officer

No affordable housing requirement.

5.5 North Level District I.D.B.

No comment

5.6 CC Crime Prevention

I have researched Police calls for service in regards to antisocial behaviour and crime and this property is low to medium risk. I have reviewed relevant documents and note that there is no mention of crime prevention or security within the Design and Access statement. Although crime is low I would ask that the developer considers security measures as part of the conversion work with doors and windows that comply with PAS 24-2012 in regards to security. Also that the cycle security and car parking are covered with good lighting which complies with BS5489:1 2013.

5.7 CCC Highways

Original proposal

The proposed parking and turning layout isn't workable. The application should come forward with a minimum of 9 parking spaces with a workable turning solution as the site is located on a busy classified road and any shortfall in parking will spill out onto the public highway.

The proposed access will need to be sealed and drained away from the highway 5m wide for the first 10m.

Vehicle to vehicle visibility splays will need to be provided on the plan detailed as 2.4m x 43m with no obstruction over 0.6m.

Vehicle to pedestrian visibility splays will need to be provided on the plan, detailed as 2m x 2m with no obstruction over 0.6m.

Amended plans

The revised site plan provides a much improved layout when compared to the previous revisions.

No highways objections subject to the following conditions;

- 1.) Prior to the first occupation of the development hereby approved, the proposed on-site parking and turning areas shall be laid out, levelled, surfaced, demarcated and drained in accordance with the approved drawings and thereafter retained in perpetuity for that specific use.
Reason: In the interests of highway safety.
- 2.) Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
Reason - In the interests of highway safety.
- 3.) Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.

- 4.) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway in accordance with a scheme to be submitted to and approved by the LPA.
Reason - In the interests of highway safety.

Informative

- 1.) The applicant should note that the nature of the highway works proposed will necessitate the completion of a Section 184 Highway Works Agreement between the developer and the LHA prior to commencement.
- 2.) This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

5.8 Local Residents/Interested Parties

Three objection letters from neighbours and a Petition with 34 signatures were received.

The petition relates to the lack of parking provision.

Other comments include:

The interior of the house should be retained

2 flats one upstairs and on the ground floor would be acceptable

We are all fighting for car parking on both sides of the road. It will be worse with 9 dwellings.

If they park on the right hand side between 17/23, No 23 would suffer air pollution
It is not viable to change this lovable building into 9 flats

There would be noise pollution from vehicles manoeuvring into and out of the parking spaces.

A mini roundabout or traffic lights should be considered.

Highway safety as a result of people reversing onto the main road

One of the letters is from The Wisbech Society and the Preservation Trust Limited. Concerns include: the site backs onto the Grade II Listed Chapel; the building is not suitable for conversion; parking at the rear is not acceptable; on street parking is at a premium; especially during school drop off time; overcrowding; poor environment for occupiers and neighbours, and users of the cemetery; the property should be rescued for a use more in keeping with its history.

Supporters

One letter of support received from a local letting agency:

We have been out to look at a property on Leverington Road which is going to be converted to a 9 bed HMO. We have been told that an issue has been raised over parking and was asked to give our advice. Less than 10% of our tenants own cars and many people we get looking for rooms do not drive. We have found that most

people who live in rooms walk or cycle to their place of employment. However, we do get some that drive and as this property is a short way from town it may attract drivers therefore some parking would be advisable. It is our view that the property would benefit from up to half a dozen spaces which can be utilised if required even though they are unlikely to be.

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG) Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial strategy, the settlement hierarchy and the countryside

LP5 – Meeting housing need [Part C] meeting wider housing need

LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland

LP15- Facilitating a Safe Highway Network

LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- **Principle of Development**
- **Amenity**
- **Flood Risk**
- **Other**

9 BACKGROUND

- 9.1 The Use Classes Order puts uses of land and buildings into various categories known as 'Use Classes'. In April 2010 the Use Classes Order was amended and a new use Class (C4 Houses in Multiple Occupation (HMO)) was created. The definition has been based on that used in the Housing Act.
- 9.2 This is the first time that HMOs have been explicitly covered by planning law. Before this, a decision on whether or not a HMO was or was not to be treated as a “dwelling house” for planning purposes was guided by case law (court decisions) based on factors such as the extent of sharing and lockable rooms. If it was decided a HMO was not a “dwelling-house” then it would be treated as “sui generis” (in a class of its own) and so require planning permission.
- 9.3 The General Permitted Development Order (GPDO) now grants automatic planning permission for the change of use from a Use Class C3 ‘dwelling house’ to a Use Class C4 ‘HMO’ removing the need to apply for planning permission from the Council. The amendments to the Use Classes Order essentially mean that for **planning purposes** a HMO can now be defined in two ways:

(a) Use Class C4 HMO: a property, which is occupied by 3-6 unrelated individuals (who do not have a relationship by blood, marriage or co-habitation), who share one or more basic amenities (includes kitchens, bathrooms and toilets)

(b) Larger HMOs: Properties occupied by **more** than 6 people would not sit in Use Class C4 and may therefore be **Sui Generis** (in a class of its own), for which any change of use requires planning permission. It must be noted that a property does not automatically become a Sui Generis use just because it has more than 6 occupants. A change of use has to be “material” and it is possible that individual circumstances may mean that a HMO with, for example, 7 people could be assessed as not being materially different from a 6 person HMO, in which case a **material change of use** has not occurred and planning permission would not be required.

9.4 Planning permission from the Council for the change of use to a HMO is required when:

- Converting a dwelling house (C3) or a HMO falling under a Use Class C4 to Sui Generis HMO (a HMO with more than 6 people);
- Converting a non-residential building to a C4 HMO (between 3 and 6 people) or to a Sui Generis HMO (with more than 6 people).

10 ASSESSMENT

Principle of Development

10.1 Wisbech is identified as one of the Districts main market towns where it is anticipated that the majority of housing opportunities will be directed (Policy LP3 refers); this is due to the sustainability of the settlement as it offers good access to employment and services accordingly the principle of delivering housing in this location also accords with Policy LP1.

10.2 Furthermore Policy LP2 and LP5 clearly identify that there is a need to provide a range of housing opportunities to meet the needs of individuals of the right scale and in the right location; as such the general principle of providing rental accommodation within houses of multiple occupancy conforms to these policies. This should not however be at the expense of affording existing occupants in the locality and those intended residents appropriate levels of residential amenity and issues of servicing and the impacts of the intensification of the existing levels of occupation must be given due regard in accordance with LP2 and LP16.

Amenity

10.3 Policy LP16 (e) seeks to protect amenity and Policy LP2 requires development to promote high levels of residential amenity. The original dwelling could be occupied by 6 people as permitted development however the scheme to be considered by the LPA envisages occupation by up to 16 people (over the proposed 9 bedrooms) which is approximately a 165% increase to that which is deemed permitted development. It is evident that a 165% increase in occupation, plus the dynamics of individual occupiers with no familial or other connection living together in one unit of residential accommodation will intensify the occupation over and above that of a family home.

10.4 As such it would be materially different. The planning evaluation requires consideration of the impact of intensification of use with a sensible assessment of the amenity that neighbours should expect to enjoy and the character of the area as a whole. This hinges on whether or not the activity and other effects of the use

significantly exceeds what might be expected from occupation of a house by a large family.

- 10.5 The consequential impacts of the intensified use in terms of noise and disturbance for adjoining occupiers should not go beyond the reasonable expectations of the neighbouring occupants in terms of their residential amenity. The original scheme had limited outside amenity space (located up against the boundary with Camelot to the east); and the limited onsite parking was considered to be unacceptable.
- 10.6 Residential impacts would be particularly apparent, for example, should the occupants come together in the small outside space provided as the potential for noise generation from 16 occupants would clearly exceed what would reasonably be the normal activity levels of a family home in this location. The outside amenity area has been increased and extends to the rear boundary. Experience shows that occupiers of an HMO do tend to congregate within this outside amenity space. There is likely to be an increase in noise, but in this instance it is not considered that this would be so detrimental to resident's amenity to warrant a recommendation of refusal.
- 10.7 Furthermore whilst the property is situated in a sustainable location with good links to the town centre the original proposal only made provision for 5 car parking spaces. There was the potential for the residential amenity of other occupants to be adversely impacted upon through inconsiderate parking and again given the transient nature of the occupation and the lack of familial or other association there is the potential for both noise and disturbance, impacts on existing parking arrangements which may in turn place pressure on the surrounding areas and the adjacent public highway.
- 10.8 The applicant has taken on board the comments of the Town Council and local objectors. The final amended scheme now includes the parcel of land to the west (originally edged in blue) to provide 11 car parking spaces on site, all of which can turn and leave the site in forward gear. The applicant has also responded as follows:

The proposed development consists of 9 rooms, some have single beds and some have double beds, therefore logic would say that each single room will have 1 occupant, and each double room will have a couple. It's unlikely that two strangers would share a room in this situation. It is also unlikely that a couple would own more than one car. A couple that can afford to run 2 cars is unlikely to be renting a room in an HMO. We therefore think that 1 car per room is an adequate provision, with then another 2 spaces as contingency for visitors/overflow.

The location/proximity to the town and its footpath links to the town centre and public transport would mean that tenants of the HMO would not need to own a car and could instead walk or cycle. The likely occupants typically do not own a motor vehicle and choose properties in sustainable locations for that very reason.

A local letting agent who specialises in single room letting has confirmed that less than 10% of their tenants looking to rent a single room own a car or drive – reinforcing this point. Furthermore, Appendix A (parking standards) of Fenland District Council's Local Plan states that:

“Where a site has good public transport links, such as in a central area of a

market town, a reduction in car parking provision may be negotiated and, in special circumstances, nil parking provision may be appropriate”.

This paragraph is considered fundamental to the parking provision on site. The site is centrally located and has excellent links with the market town, a significant number of spaces have been provided on site

- 10.9 The comments of the Town Council and residents are noted. However, it is considered that this is a reasonable assumption, and therefore the amount of parking provided with the development is now considered to be adequate. The highways officer has not objected to the amended proposal, subject to conditions. Notwithstanding this the proposed gravelled surfacing to the parking area should be replaced with tarmac. This will reduce the potential noise generated from the coming and going of vehicles.
- 10.10 Moving the parking has also enabled the applicant to increase the size and location of private amenity space. Although the site backs on to the Cemetery, it is not considered that there would be any greater impact from the development than that created by the surrounding land uses in this urban location.
- 10.11 Taking all of the above into consideration, it is considered that on balance the proposal is acceptable and in accordance with Policies LP2 and LP16.

Flood Risk

- 10.12 Planning Practice Guidance identifies dwellings as more vulnerable development and as such the flood risk vulnerability and compatibility table identifies that the exception test should be met, however the supporting text identifies that the Sequential and Exception Tests do not need to be applied to minor developments and changes of use, except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site; as this proposal constitutes a change of use falling outside these categories there is no requirement to apply these tests.
- 10.13 Nonetheless it is essential that the development does not represent any significant impacts in terms of site safety and it is necessary to demonstrate through a site specific flood risk assessment that the scheme incorporates appropriate flood risk management and safety measures and takes a positive approach to reducing flood risk overall without reliance on emergency services. (Policy LP14 Part B (d)).
- 10.14 The site has an existing residential use and the EA has not objected, subject to compliance with the submitted Flood Risk Assessment within the submitted Design and Access Statement. In light of this recommendation the scheme may be deemed compliant with Policy LP14.

Other

- 10.15 Whilst the building has some heritage value it is not protected. The proposed amendments are minor and acceptable. The proposal will facilitate an improvement to the building and site in general.

11 CONCLUSIONS

- 11.1 In HMO cases it may be asserted that residents would have a low level of car ownership. In addition, it may be argued that premises may lawfully be occupied by a large single household which may give rise to even greater parking requirements than a multiple occupation use. On appeal, inspectors have accepted that greatly reduced or nil parking requirements for HMOs are acceptable given the likely demand based on a common sense evaluation of the particular case - proximity to public transport, shops etc being important factors as well as capacity on and off site and roadside parking controls operating.
- 11.2 The site is situated close to the town centre with good access to services. It is not considered that the parking provision at this site will significantly impact of the residential amenity of other occupants within the vicinity.
- 11.3 As such it is considered that the proposal complies with Policies LP2, LP14, LP15 and LP16.

12 RECOMMENDATION

Grant with conditions.

- 1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2. The use hereby approved shall not commence until the alterations to the building have been completed as per the approved plans.**

Reason- in the interests of promoting high levels of residential amenity in line with Policies LP2 and LP16 of the Fenland Local Plan 2014.

- 3 Notwithstanding the approved plans, the proposed gravel surfacing to the parking area is not acceptable. Prior to the first occupation of the development hereby approved, the proposed on-site parking and turning areas shall be laid out, levelled, surfaced, demarcated and drained in accordance with drawings to be submitted to and approved in writing by the local planning authority and thereafter retained in perpetuity for that specific use.**

Reason- In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 4 Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.**

Reason - In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 5 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the local planning authority.**

Reason- In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

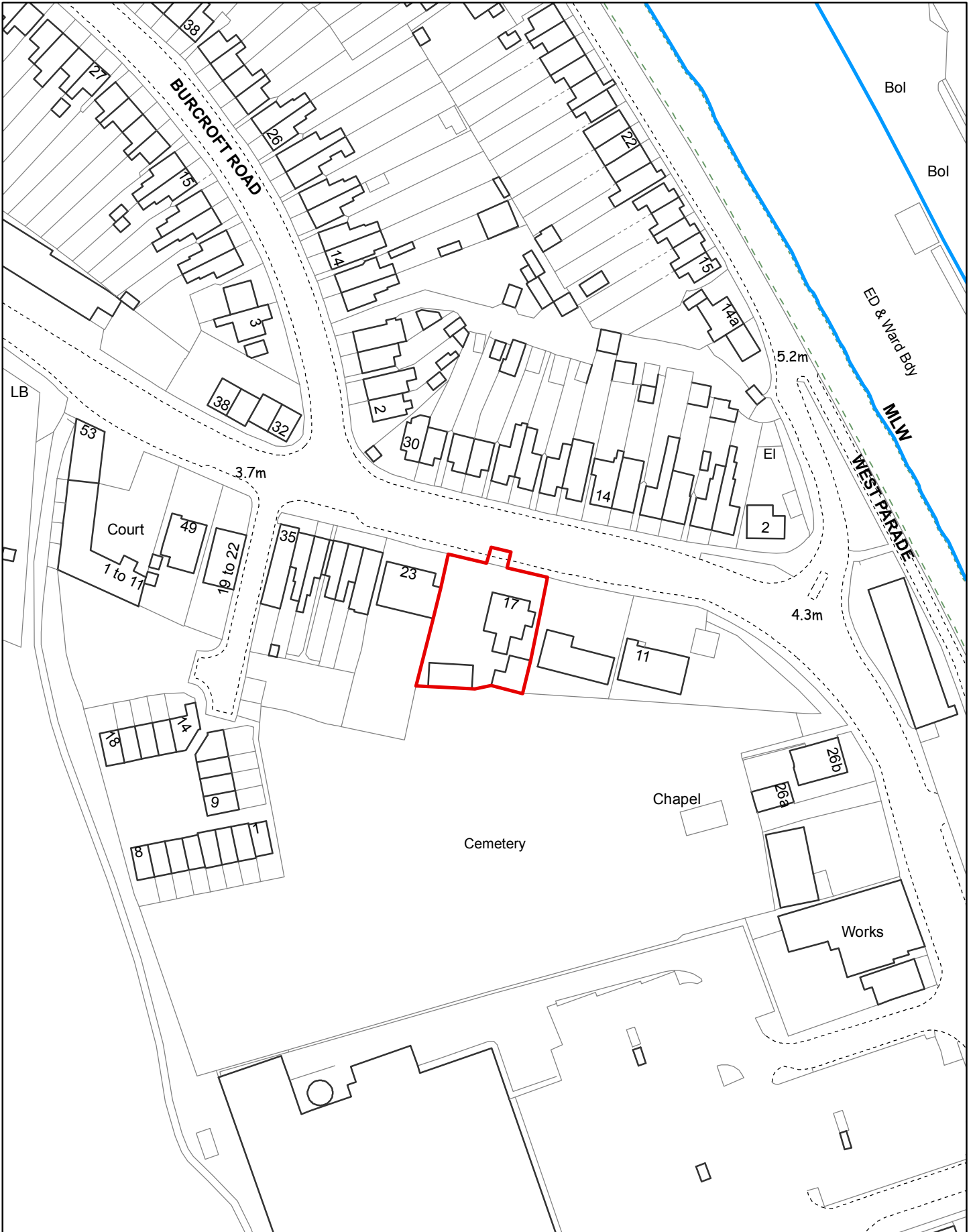
- 6 The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway in accordance with a scheme to be submitted to and approved in writing by the local planning authority.**

Reason- In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 7 With regard to flood risk, the development shall be implemented in accordance with the Design and Access Statement prepared by Peter Humphrey Associates Ltd as submitted with this application.**

Reason - in accordance with Policy LP14 of the Fenland Local Plan 2014

- 8 Approved Plans**



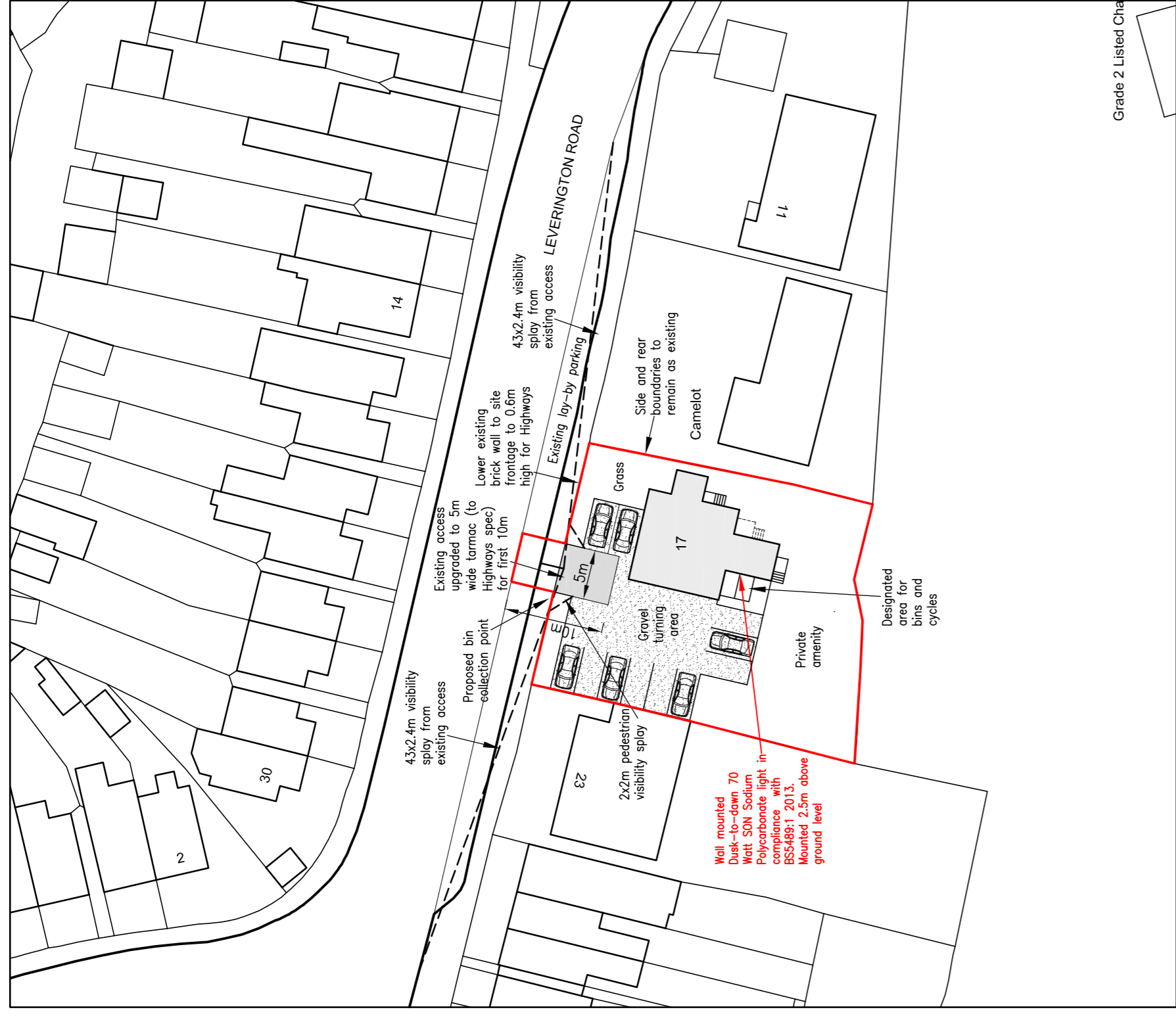
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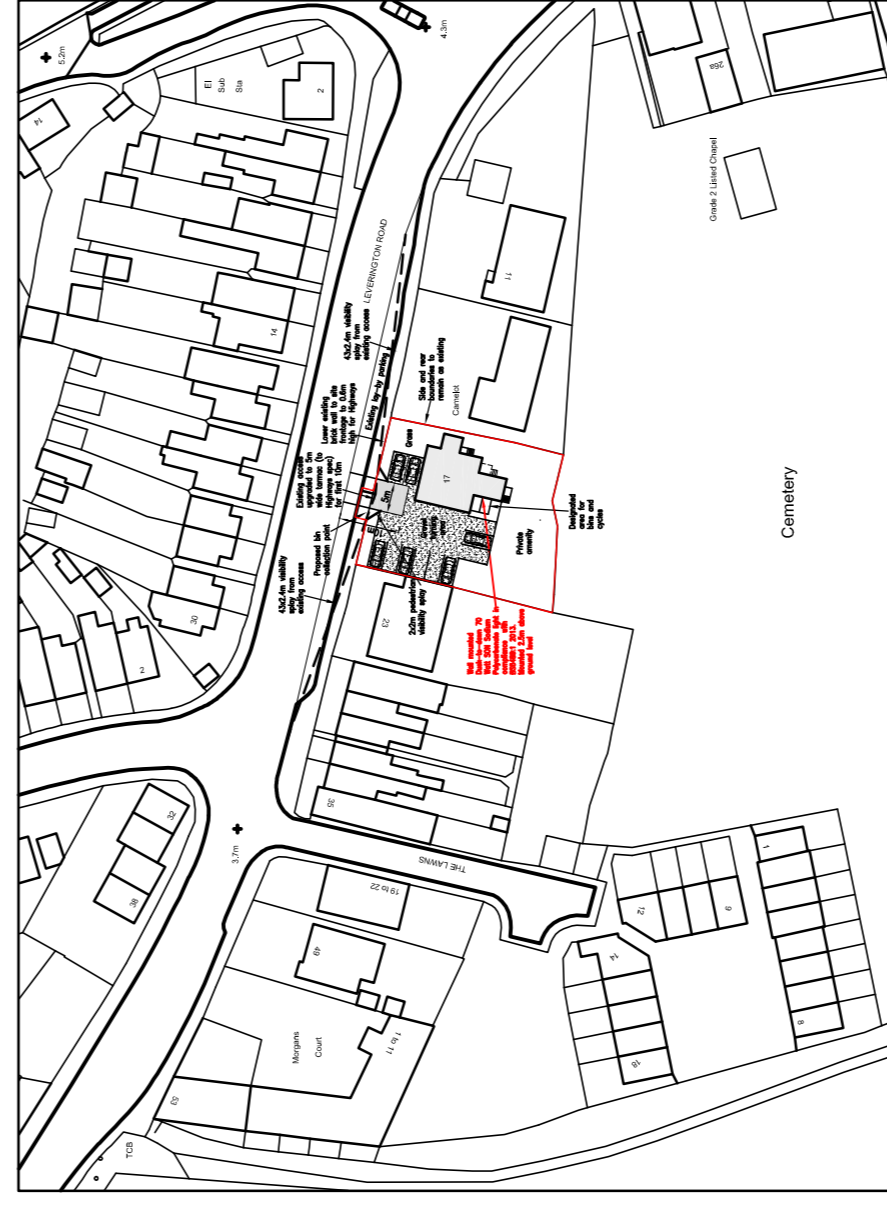
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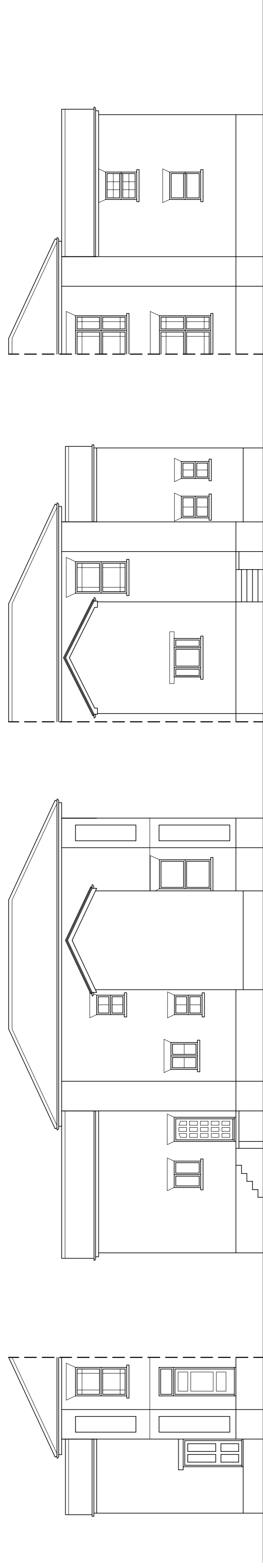




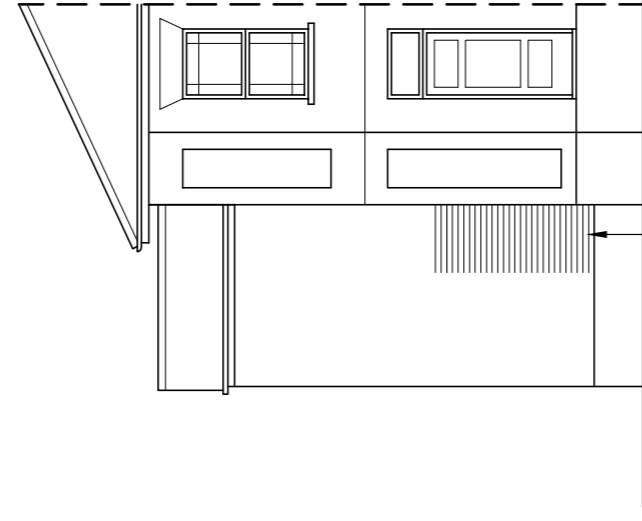
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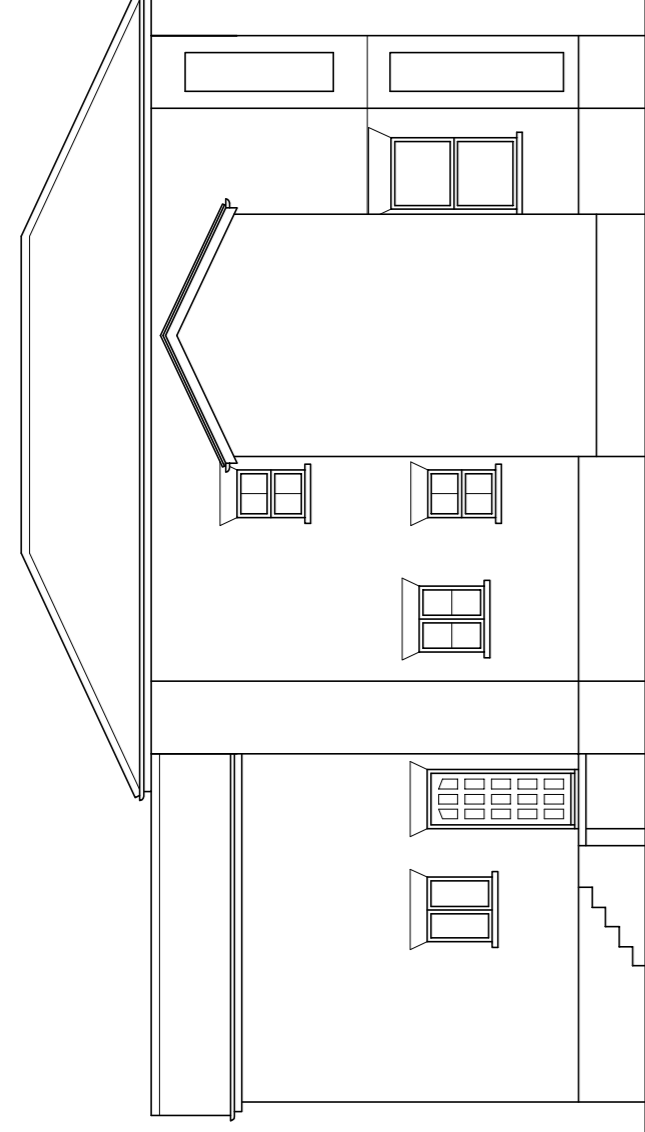
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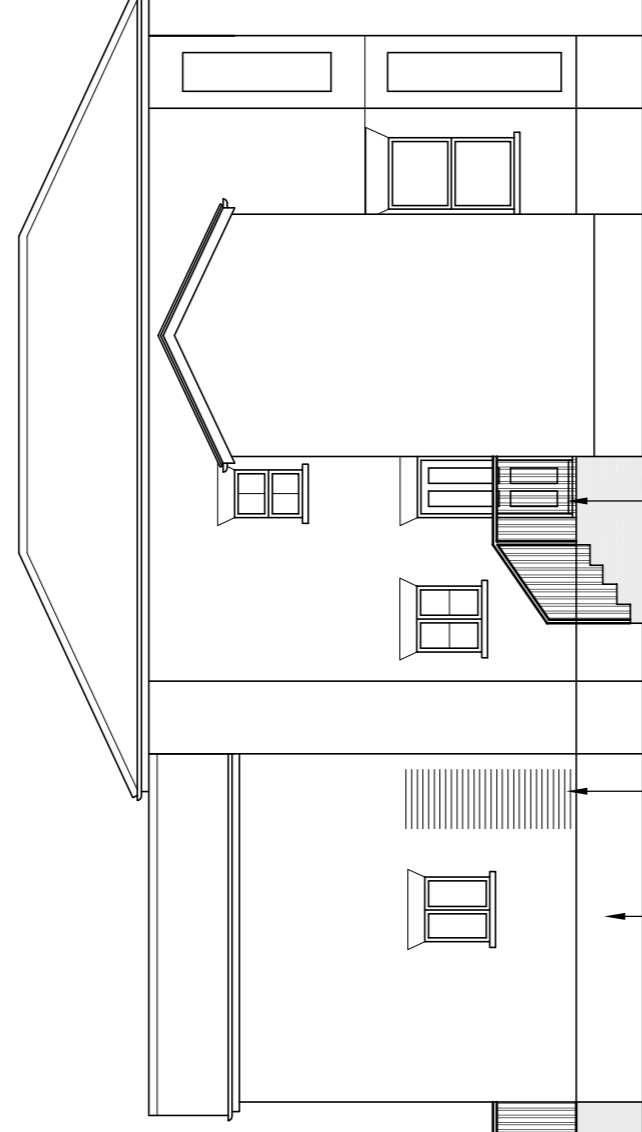
Existing Front Elevation 1:100



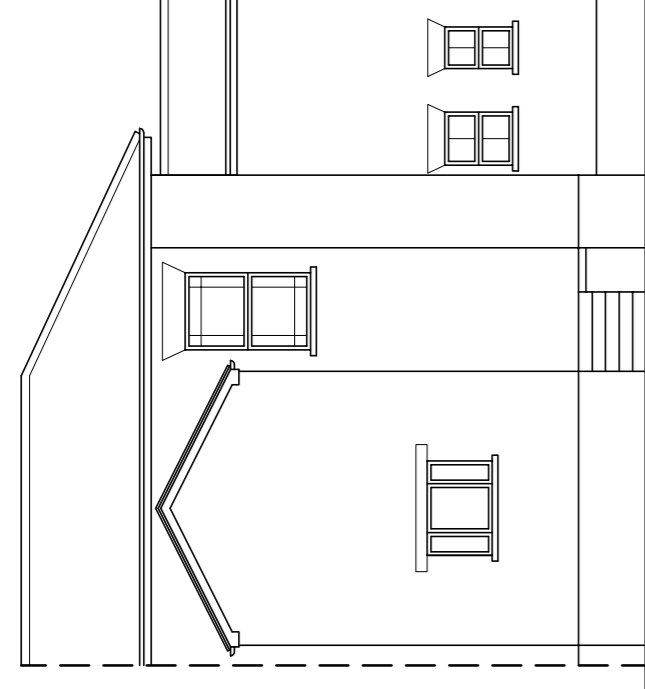
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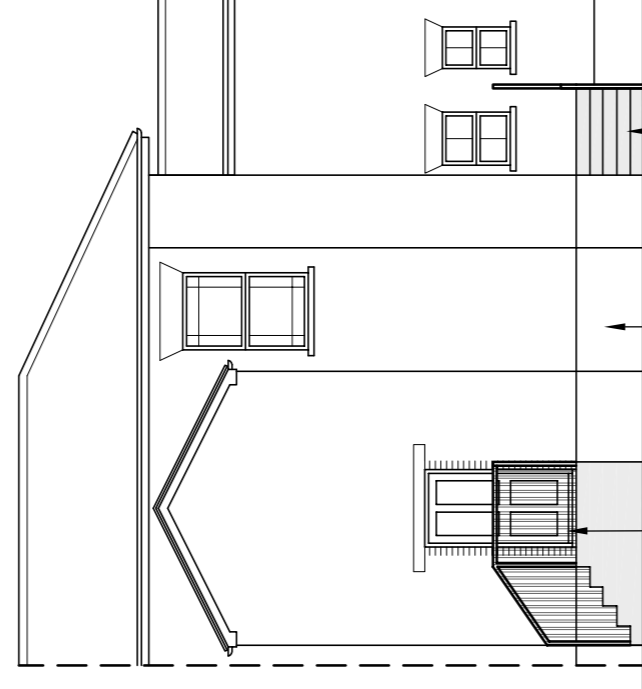
Existing Side Elevation 1:100



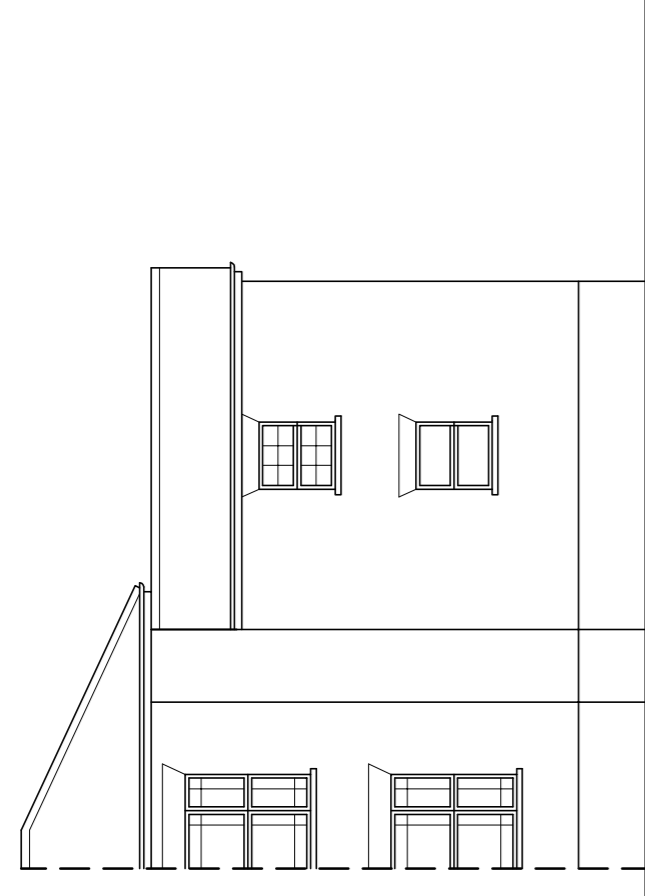
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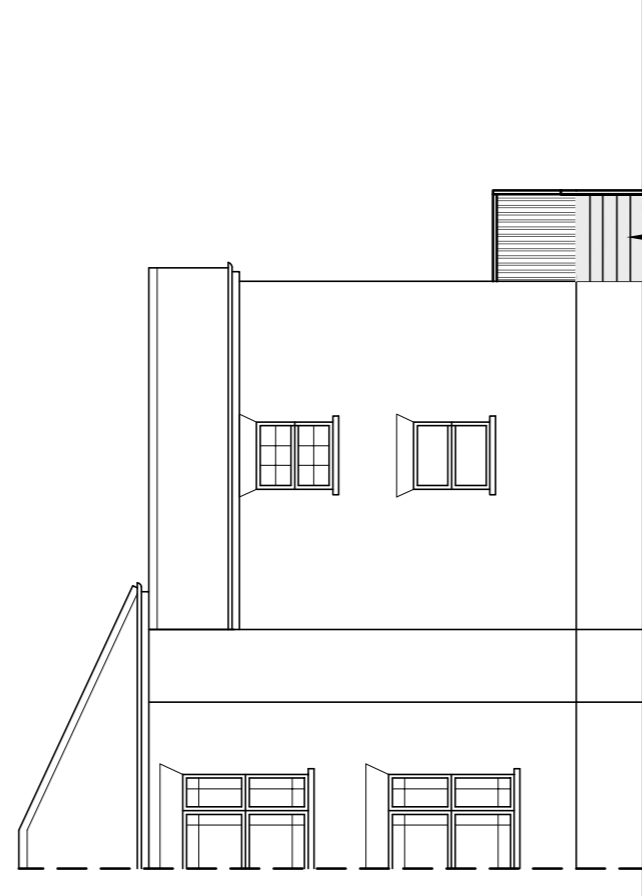
Existing Rear Elevation 1:100



Proposed Rear Elevation 1:100



Existing Side Elevation 1:100



Proposed Side Elevation 1:100

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED CHANGE OF USE FROM
DWELLING TO 9 UNIT H.M.O

SITE
17
LEVERINGTON ROAD
WISBECH
PE13 1PH

DRAWING
ELEVATIONS & SITE / LOCATION PLANS
CLIENT

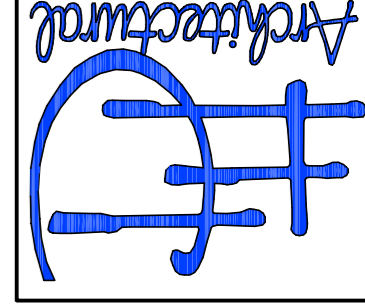
Mr Samuels

C/o: Alan Samuels, Howard Xavier & Sandra Sparrow

DATE: Nov 2016 SCALE: As Shown JOB No: 5612/03G

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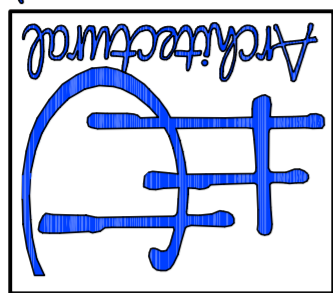
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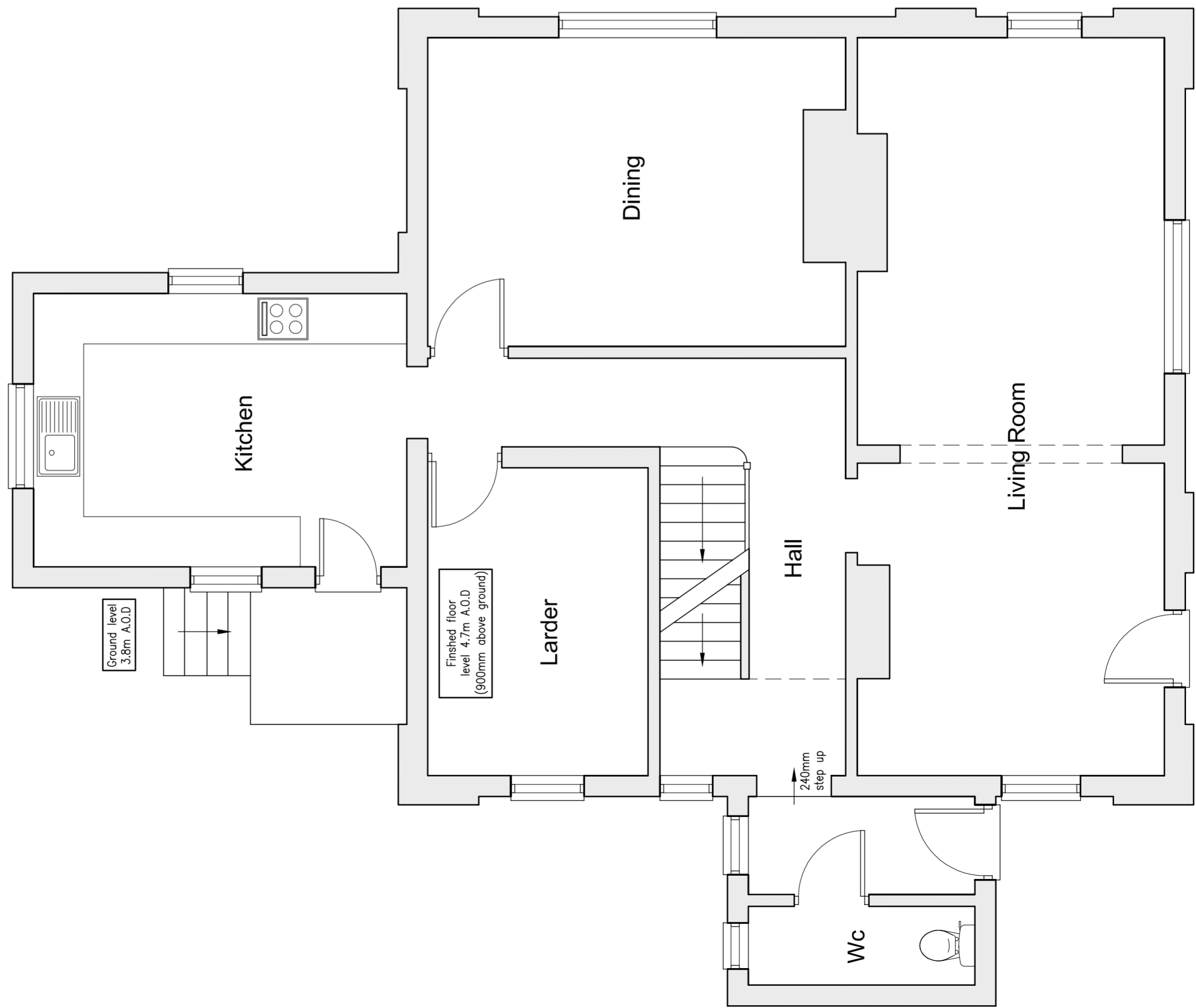
PROJECT
 PROPOSED CHANGE OF USE FROM
 DWELLING TO 9 UNIT H.M.O

SITE
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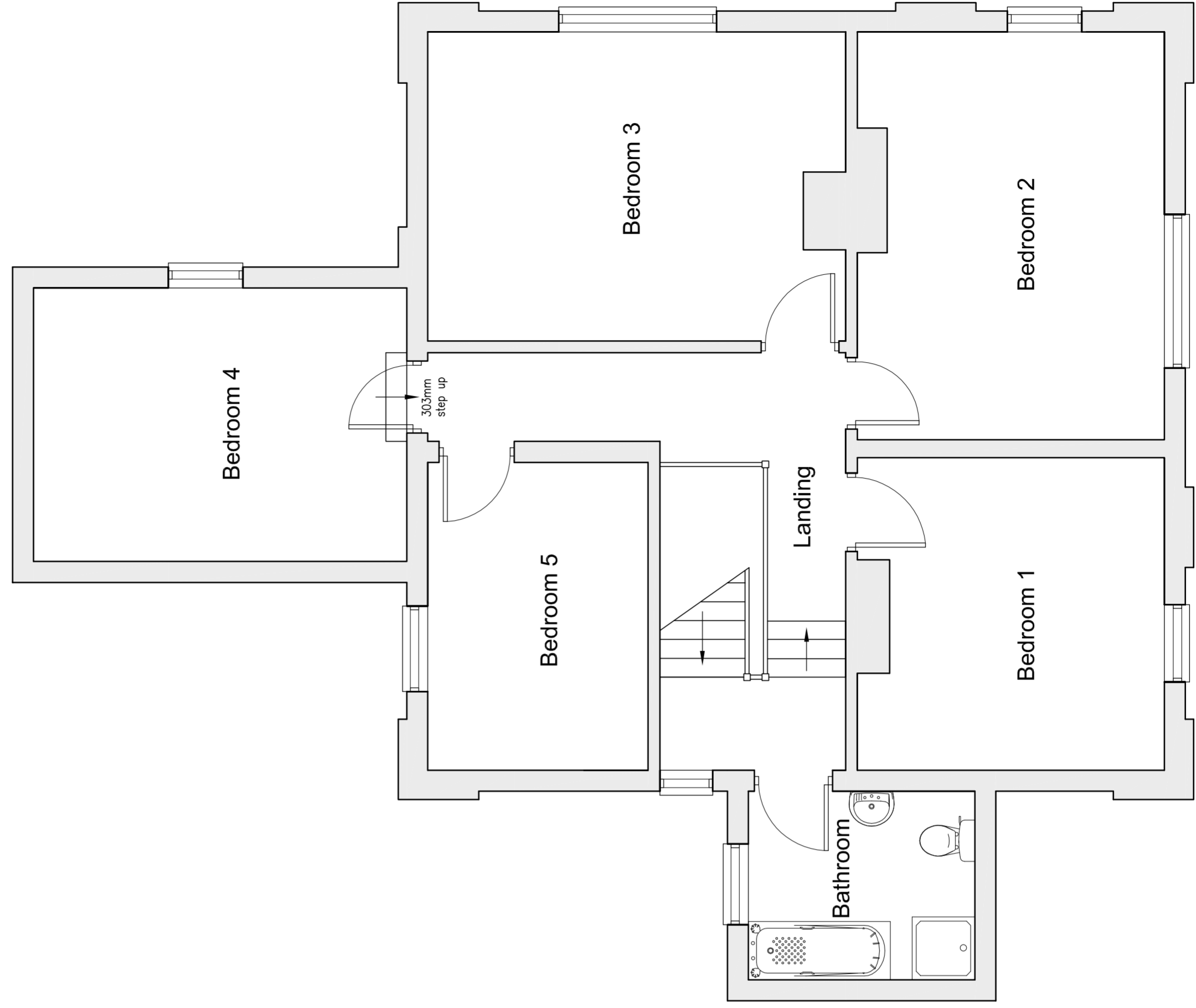


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 39 OLD MARKET WISBECH CAMBS PE13 1NB
 Fenland District Council
 Building
 Design
 Award
 Category Winner 05/08/10
 Overall Winner 2010

EXISTING FLOOR PLANS



Existing Ground Floor Plan 1:50



Existing First Floor Plan 1:50

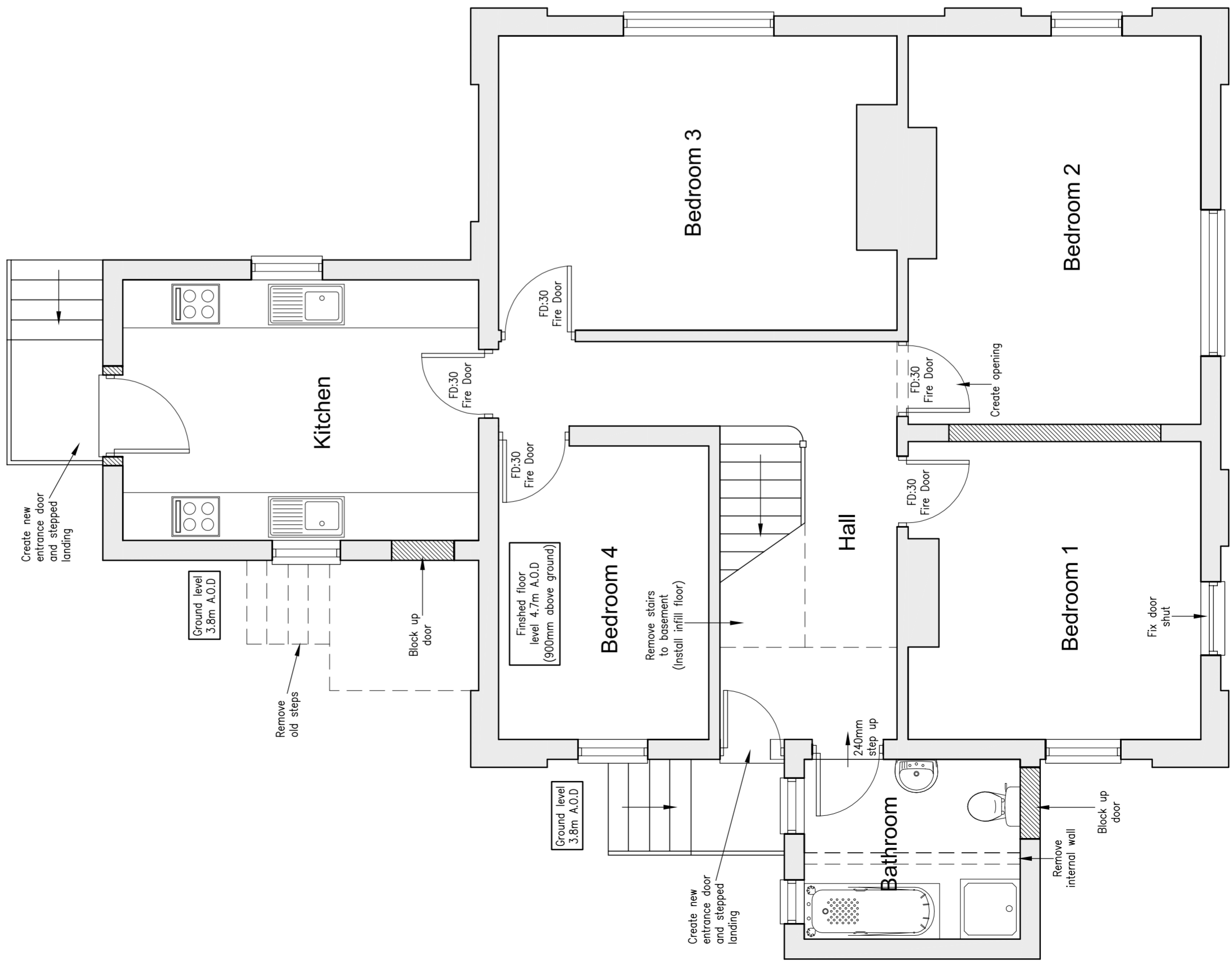
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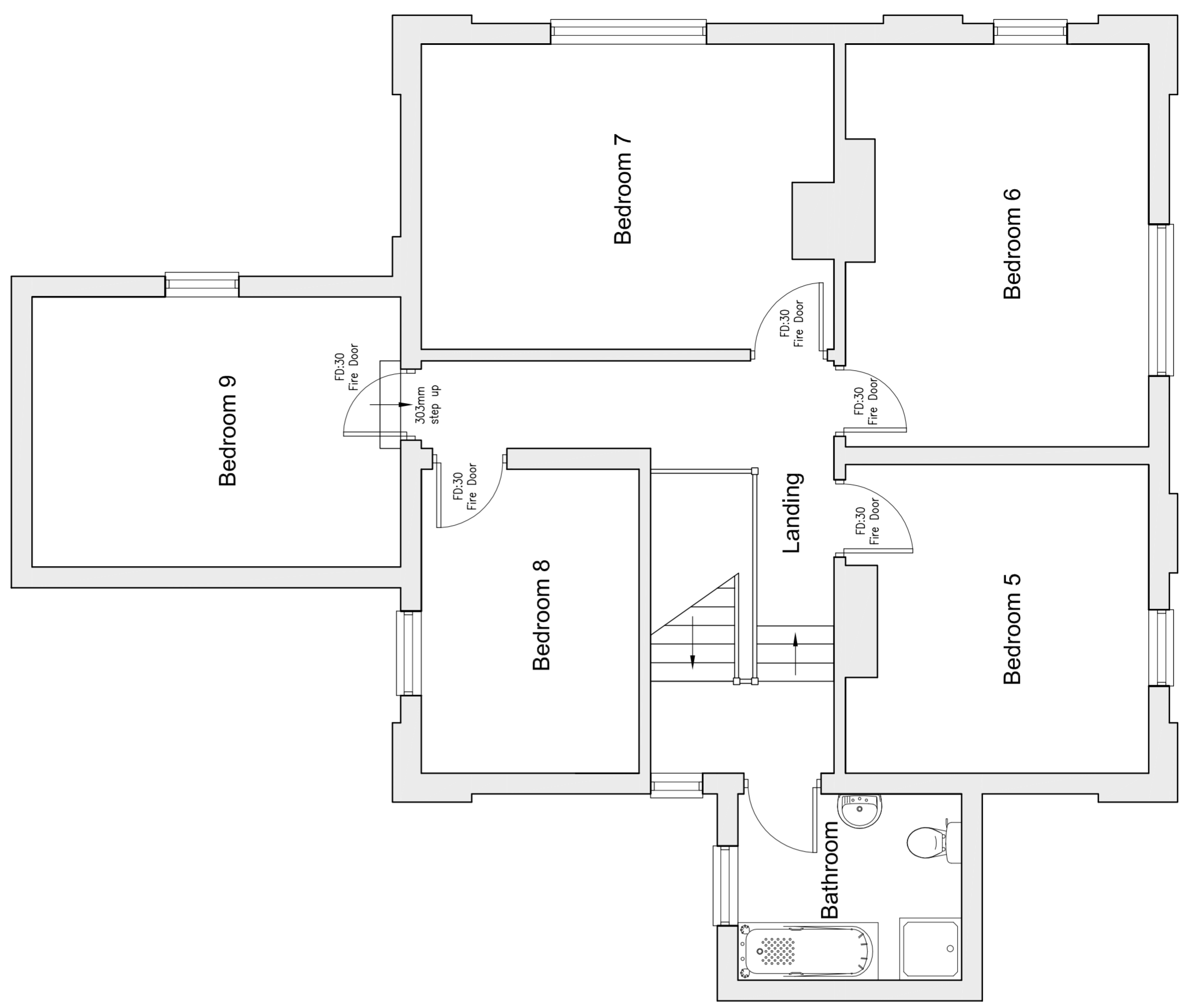


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DRAWING
PROPOSED FLOOR PLANS



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50