

F/YR17/0868/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; and the previous application was determined by Members.

1 EXECUTIVE SUMMARY

This application is a resubmission with amendments following Members refusal on 26 April 2017. The subsequent appeal was dismissed.

Members considered that: the development proposed would provide a low level of domestic facilities for the number of occupants; and due to the level of occupancy proposed, the development would result in a significant level of car parking within the site. The number of cars parked to the side and front of the property would form an incongruous and unattractive feature, adversely impacting visually upon the appearance of the application property and the wider street scene

The Planning Inspector concluded that: the sharing of two bathrooms by 16 people would be likely to result in substantial waiting periods, particularly as both the bath/shower and toilet/wash basins would be contained in the same spaces. This would not provide the appropriate level of access to these facilities to meet the day-to-day needs of the occupants. However, in the Inspector's view, the kitchen would just about be of sufficient size to provide enough in the way of facilities to meet the likely day-to-day cooking and storage needs of the HMO's occupants; and

The extent of the parking area proposed would be proportionate to the development it would serve and would also reflect the character of the very substantial open areas of hardstanding fronting a number of dwellings nearby and would not have an adverse effect on the character or appearance of the area.

This application is similar in all regards except for: the provision of 5 x ensuite bathrooms to five of the double bedrooms.

As such it is considered that the revised 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=OW641YHE06P00>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR16/1185/F	Change of use from 5-bed dwelling (C3) to 9-bed house of multiple occupancy and external alterations to building 17 Leverington Road Wisbech Cambridgeshire PE13 1PH	Refused	28/04/2017

5 CONSULTATIONS

5.1 Wisbech Town Council

Members feel there is insufficient communal and kitchen space for the proposed number of residents. 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 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.

5.3 Housing Strategy and Enabling Officer

No affordable housing requirement.

5.4 North Level District I.D.B.

No comment

5.5 CC Crime Prevention

Having viewed all relevant documents I am happy to support the application, however I would welcome the opportunity (if planning permission is received) to discuss with the developer an appropriate level of security regarding external doors and windows – I consider that principles of Secured by Design should be considered and the fitting of Security Tested PAS24 doors and windows.

I would also ask that consideration be given to a Condition being placed for external lighting for building and car park areas. The parking areas should be illuminated by column mounted lighting (bollard lighting is not advisable).

I have also run a check on crimes and police incidents over the last 9 months – there are a few incidents of cycle theft so I would that consideration be given to provision of a secure cycle storage area with a minimum appropriate test of LPS 1175 SR1 – again I would ask if this could be conditioned.

Other than the comments above I have no further observations or objections.

5.6 CCC Highways

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.

5.7 Wisbech Civic Society

The house is a 'building of local interest', and whilst not listed, it deserves to be retained in its present form for its value as a building of its period and its special local associations.

Wisbech Society firmly believe that the property should be restored sympathetically, within its current footprint and internal sub-divisions.

In its current form it could be a candidate for a Wisbech Society 'Blue Plaque'.

The property's boundary is sited on the edge of the curtilage of the General Cemetery with its Grade 11 listed chapel of rest. As such any redevelopment of the property will affect the 'setting of a listed building' and this impact should be considered in any planning application.

The boundary wall between the cemetery and 17 Leverington Road, appears unstable through lack of maintenance and significant ivy and plant growth. This wall will need to be stabilised to ensure that damage isn't caused to the monuments within the cemetery, in particular the vaulted area of 'Lawyers Corner'.

The society has negotiated a 30 year lease with FDC, however, the local authority retains the responsibility for the maintenance of pathways, litter collection, boundaries, trees and monuments. Any damage sustained to the monuments are at FDC's cost, which recognising the size and location of the memorials over possible burial vaults, could be substantial.

The proposed development does not include for communal space within the property. All possible rooms are to be converted into bedrooms of limited size.

Although the application states that it is a 9 bed house – it is clear from the drawings that there is an intention to place up to 16 people, a figure determined by the Planning Inspectorate under its previous Appeal Decision, APP/D0515/W/17/3176139, point 3.

Point 9 of the Planning Inspectorates decision to refuse the appeal states that, as there is no communal space; the inspector had doubts that the room sizes would be large enough to accommodate beds, private furniture, etc, with the addition of en-suite facilities. Therefore we believe that the removal of all communal spaces will be detrimental to the living standards of the residents.

Although the application appears to retain the original front door to the property, this is to be permanently 'fixed shut'. This and the proposed changes to the internal walls/doorway's is clearly to enable the front elevation rooms of the property to be converted into additional bedrooms.

However, this results in only one external door to the property – located at the extreme rear of the house, leading to a possible fire egress issue should, for example, a fire begin in the kitchen of the property.

5.8 Local Residents/Interested Parties

A Petition with 52 signatures was received objecting to the proposal (no addresses were supplied).

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).

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

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

LP18 – The Historic Environment.

8 KEY ISSUES

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

9 BACKGROUND

- 9.1 A similar application was determined by Members at 26 April 2017 Planning Committee (F/YR16/1185/F). Members overturned the Officer recommendation and refused the application. The appeal was dismissed on some issues but not all.
- 9.2 This application has addressed the issues which the Planning Inspector considered were unacceptable.
- 9.3 Members considered that: the development proposed would provide a low level of domestic facilities for the number of occupants; and due to the level of occupancy proposed, the development would result in a significant level of car parking within the site. The number of cars parked to the side and front of the property would form an incongruous and unattractive feature, adversely impacting visually upon the appearance of the application property and the wider street scene

- 9.4 The Planning Inspector concluded that: the sharing of two bathrooms by 16 people would be likely to result in substantial waiting periods, particularly as both the bath/shower and toilet/wash basins would be contained in the same spaces. This would not provide the appropriate level of access to these facilities to meet the day-to-day needs of the occupants. However, in the Inspector's view, the kitchen would just about be of sufficient size to provide enough in the way of facilities to meet the likely day-to-day cooking and storage needs of the HMO's occupants; and
- 9.5 The extent of the parking area proposed would be proportionate to the development it would serve and would also reflect the character of the very substantial open areas of hardstanding fronting a number of dwellings nearby and would not have an adverse effect on the character or appearance of the area.

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.
- 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 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 The property is situated in a sustainable location with good links to the town centre. 11 car parking spaces are to be provided. The Inspector considered this to be sufficient for the proposal.
- 10.8 In response to the Inspector's decision, the applicant has included 5 x en-suite bathrooms within this amended proposal. Up to three occupants will now share the downstairs bathroom and up to three occupants will share the upstairs bathroom.
- 10.9 With regard to the amenity of neighbours and future occupiers of the HMO, Officers have taken into account Member's previous concerns along with the Inspector's decision letter and it is considered that the proposal is acceptable and in accordance with Policies LP2 and LP16.

Flood Risk

- 10.10 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.
- 10.11 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)).
- 10.12 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

- 10.13 Whilst the building has some heritage value it is not protected. The Wisbech Civic Society spoke at Planning Committee previously and contributed to the appeal. The Inspector had regard as to whether the proposal would preserve or enhance the character or appearance of the nearby Leverington Cemetery Chapel which is a grade II listed building and concluded that the character of 17 Leverington Road would not be materially altered and there would be an improvement to its appearance by way of the proposed renovation works and the tidying up of the external spaces around it. There was also no compelling evidence to demonstrate that any physical harm would be caused to the chapel building or any structures within the surrounding cemetery. The Inspector was therefore

satisfied that the proposal would not result in harm to the designated heritage asset or its setting. Other comments by the Wisbech Society are not within the control of the planning process

- 10.14 The Crime Prevention Officer's comments are noted and a condition has been added requiring details of lighting to the parking area and a secure cycle storage area.

11 CONCLUSIONS

11.1 The proposal would not harm the area's character or appearance and there would be no harm to designated heritage assets. Bringing the property back into use to provide additional living units that would add to the range of local housing opportunities is a benefit of the scheme. Any such benefits have been weighed against the proposed living conditions of the development's future occupiers. Officers consider that the applicant has addressed the issues which the Inspector considered to be unacceptable with the previous proposal.

11.2 As such it is considered that the proposal complies with Policies LP2, LP14, LP15, LP16 and LP18.

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 commencement 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 prior to the commencement of development.

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 Prior to the commencement of the development hereby approved a scheme for hard and soft landscaping including boundary treatments and the management and maintenance of the outdoor space shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason- To ensure the environment of the development is improved and enhanced in accordance with Policy LP16 of the Fenland Local Plan 2014.

- 9 All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

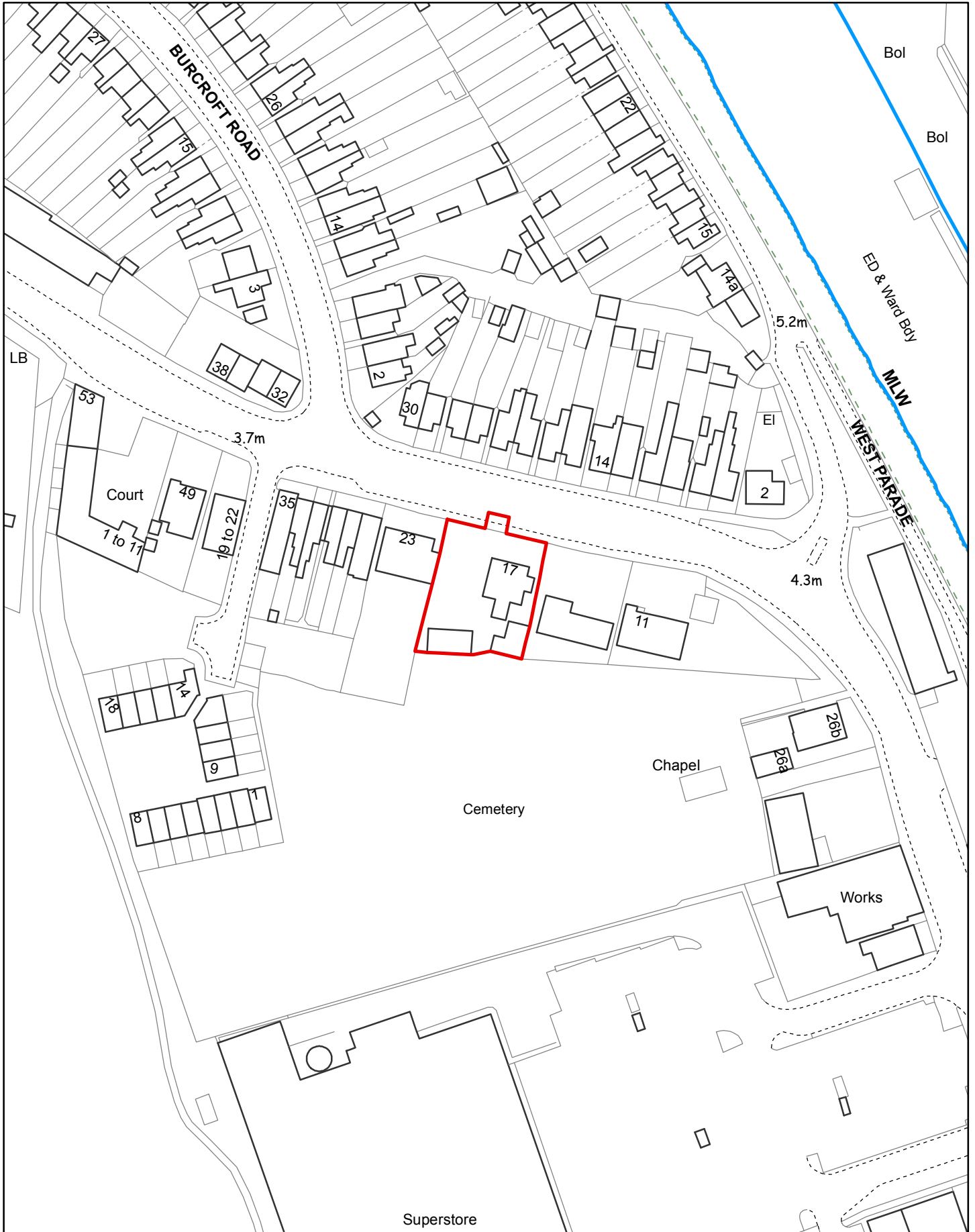
Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development, in accordance with Policy LP16 of the Fenland Local Plan 2014.

- 10 A maximum number of 16 residents shall occupy the dwelling at any one time.

Reason- In the interests of residential amenity in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014

- 11 Prior to the occupation of the dwelling as C4 use class, lighting shall be erected within the parking area and a secure cycle storage area provided both in accordance with a scheme previously submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason- In accordance with Policy LP17 of the Fenland Local Plan 2014



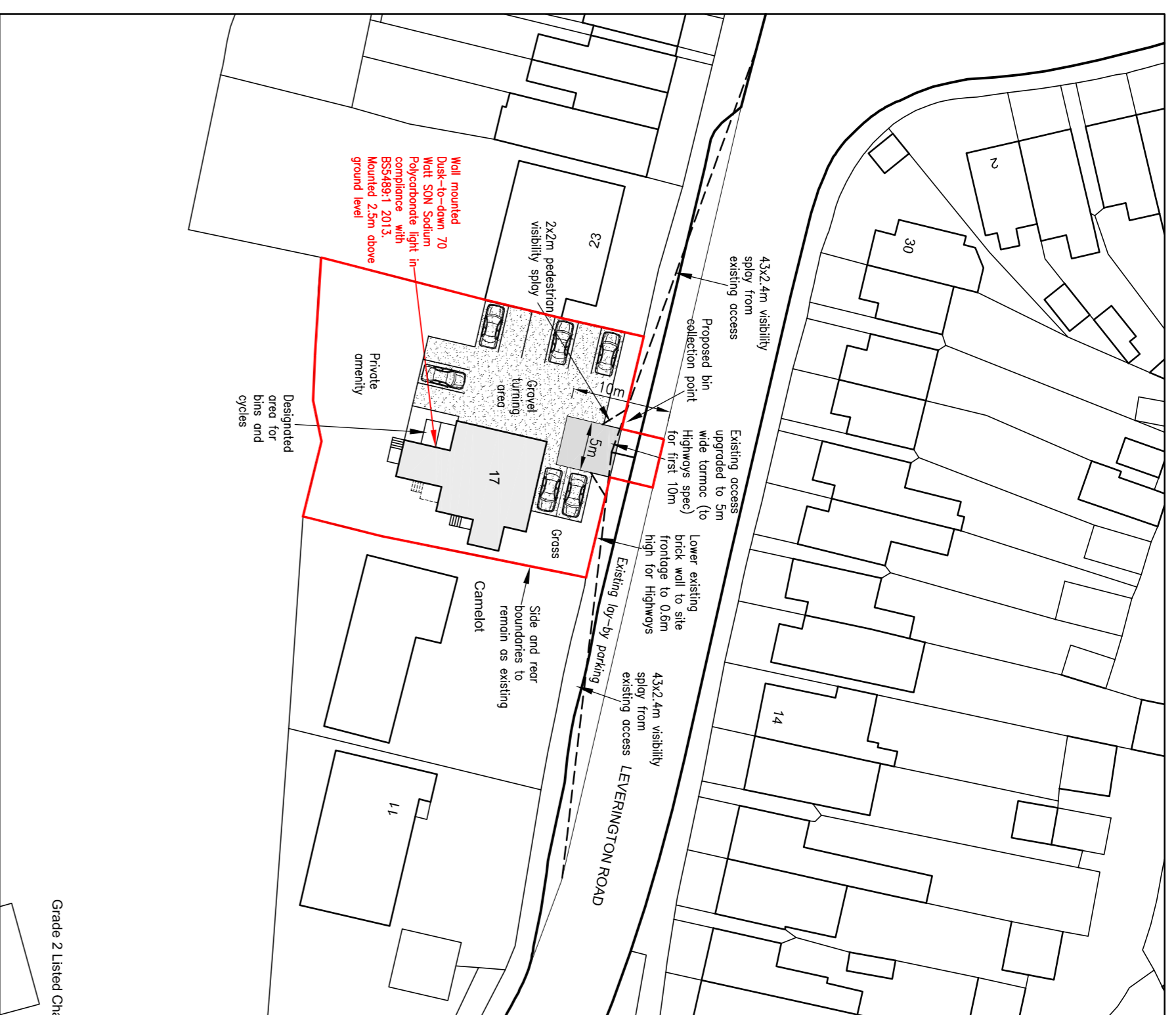
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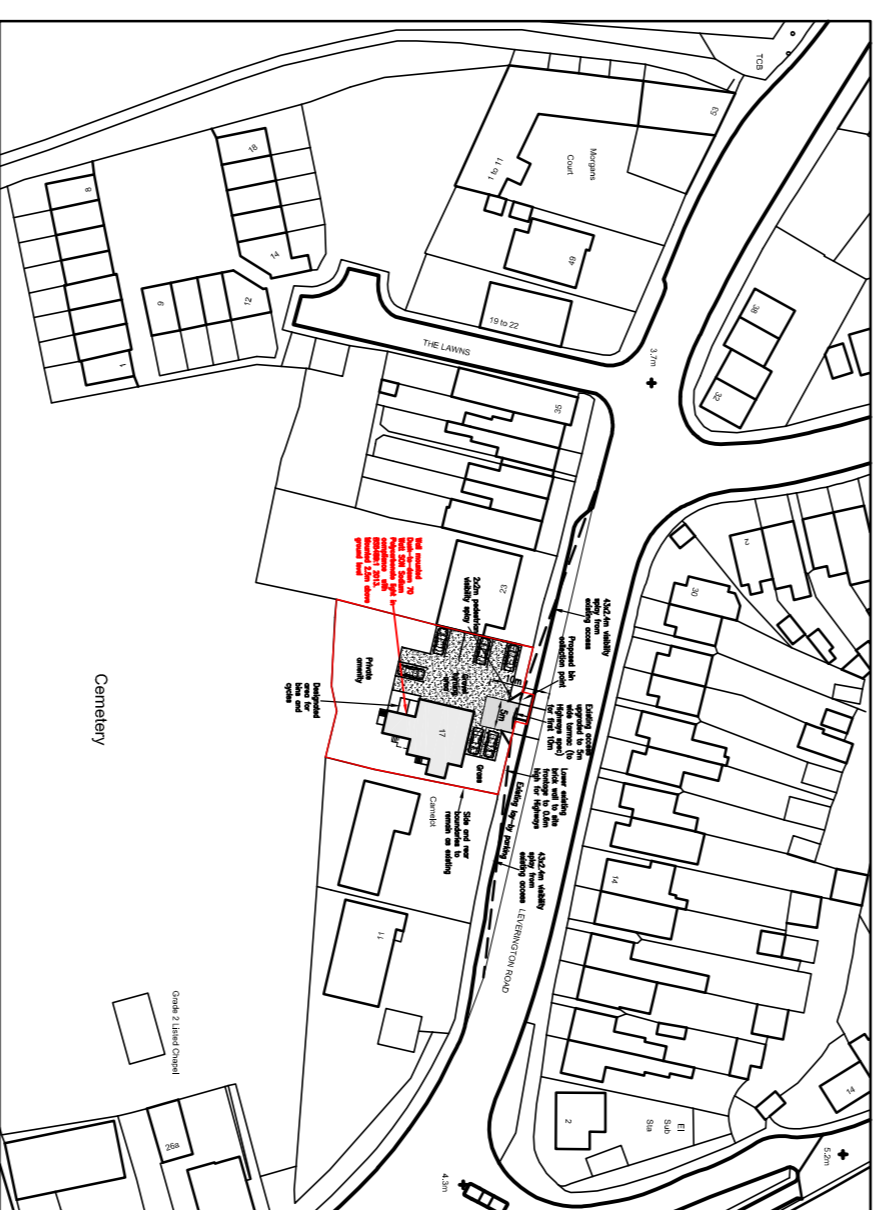
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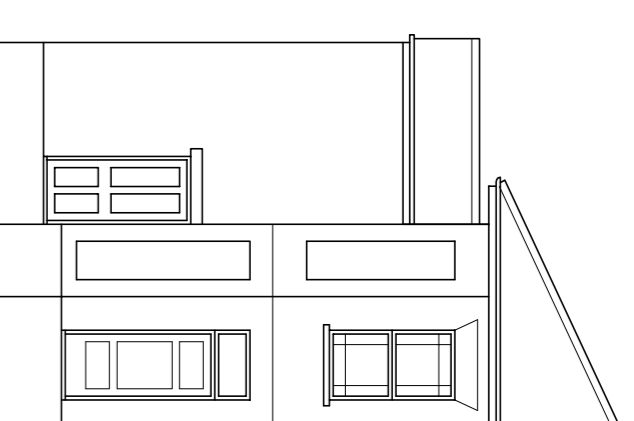
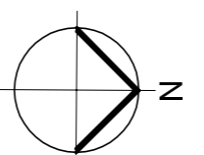




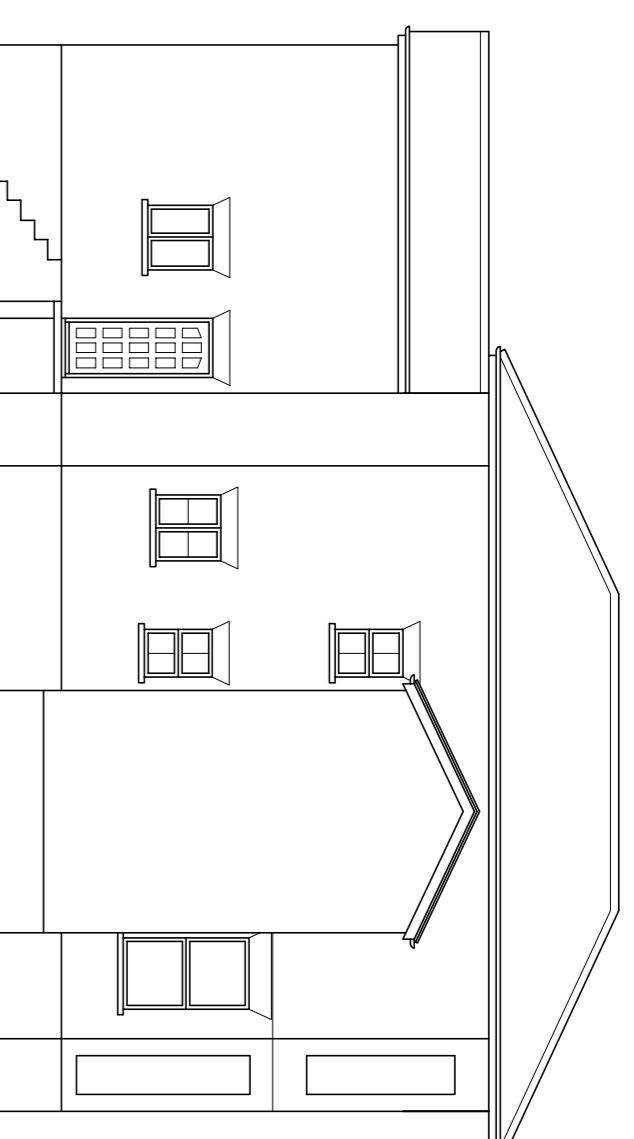
Proposed Site Plan 1:500



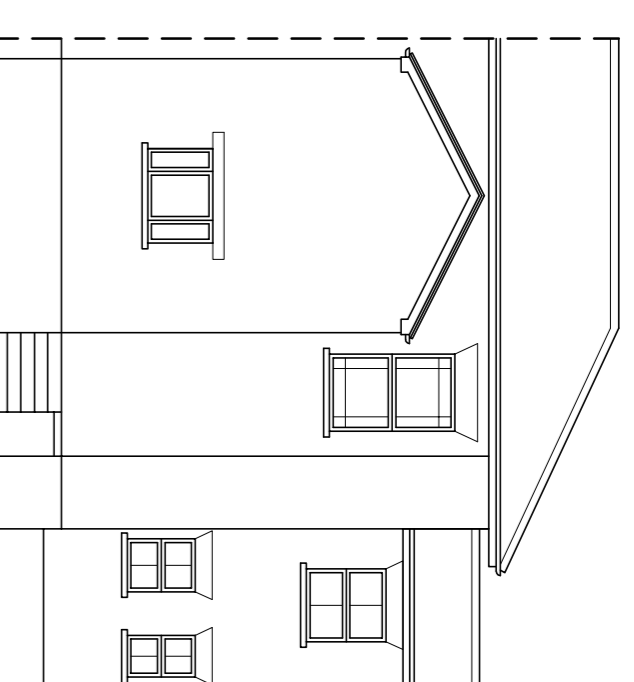
Location Plan 1:1250



Existing Front Elevation 1:100



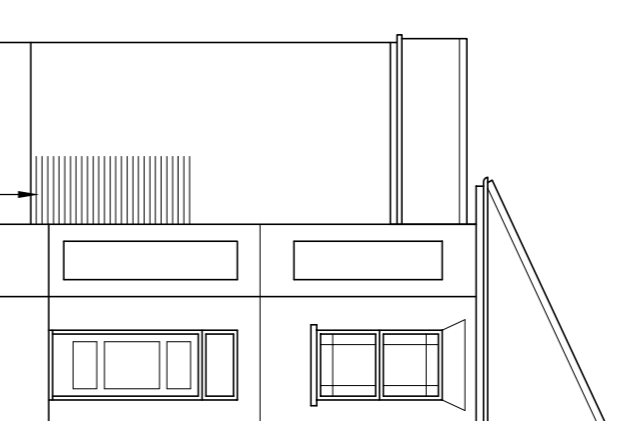
Existing Side Elevation 1:100



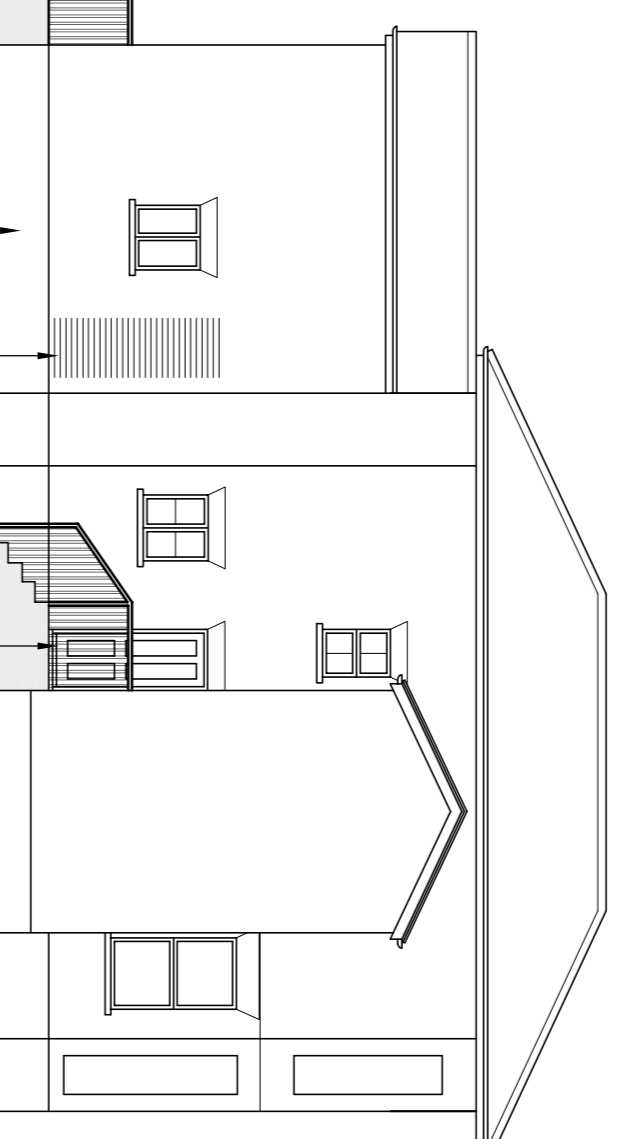
Existing Rear Elevation 1:100



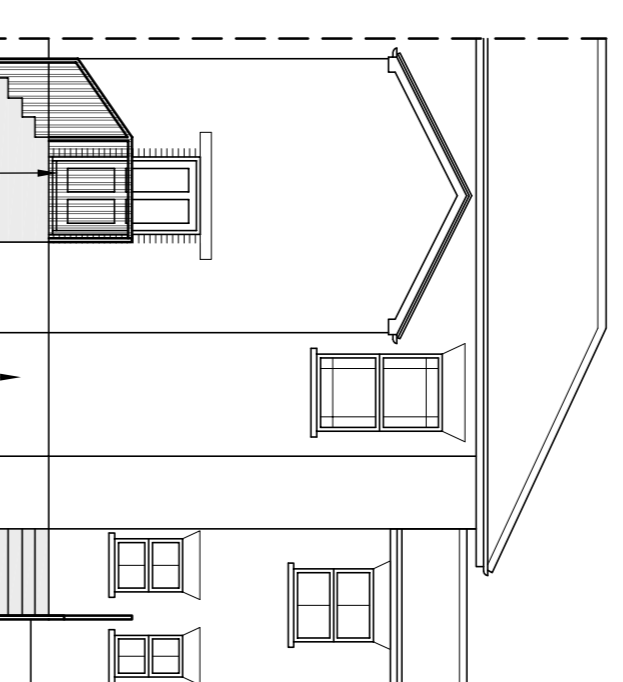
Existing Side Elevation 1:100



Proposed Front Elevation 1:100



Proposed Side Elevation 1:100



Proposed Rear 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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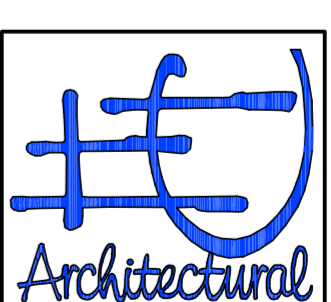
Peter Humphrey Associates
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30 BARNWELL ROAD, WISBECH, CAMBS PE13 1PH
Building
Construction Skills Partnership
Construction Skills Centre
Cambridge Road, Wisbech
Cambs PE13 1PH

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

SITE
17
LEVERINGTON ROAD
WISBECH
PE13 1PH

DRAWING
EXISTING FLOOR PLANS

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30 OLD MARKET WISBECH CAMBS PE13 1NB

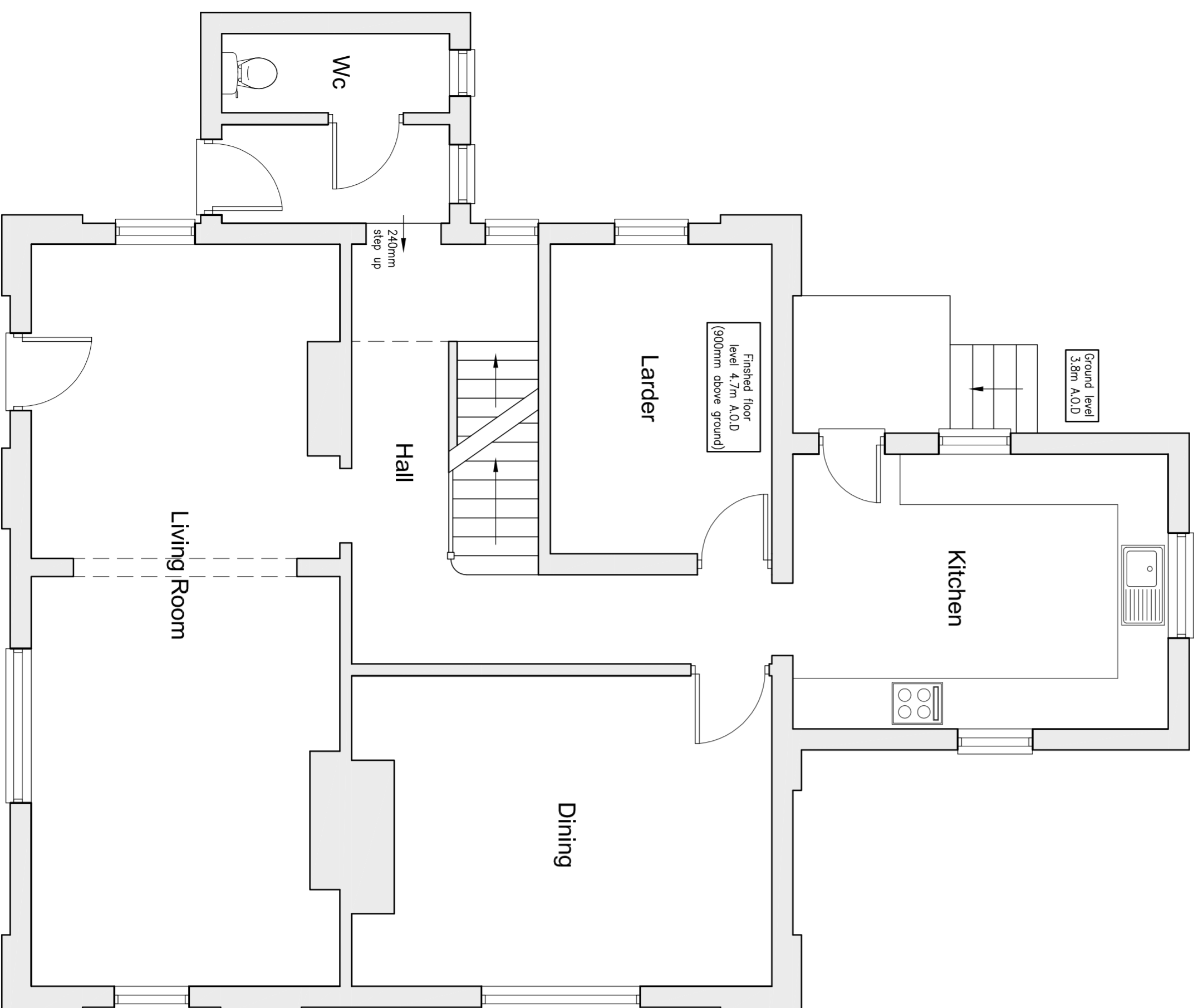
Federated District Council

Building

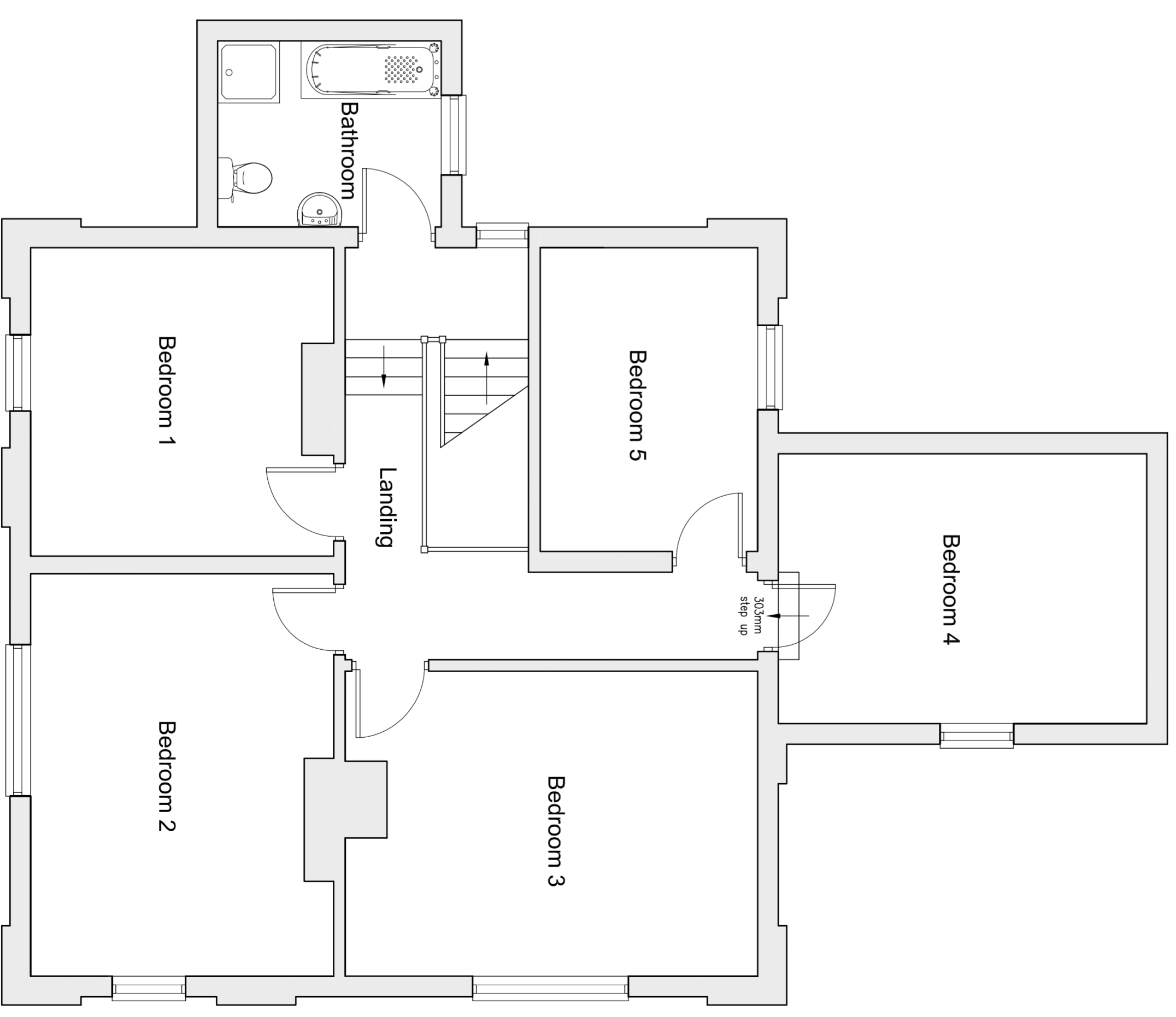
Design Award

Category Winner 08/09/10

Overall Winner 2010



Existing Ground Floor Plan 1:50

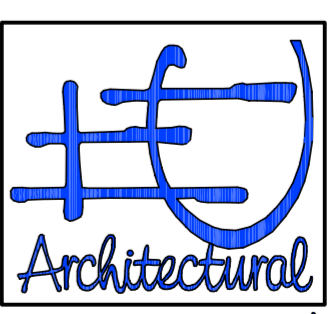


Existing First Floor Plan 1:50

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

SITE
17 LEVERINGTON ROAD

WISBECH PE13 1PH



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30 OLD MARKET WISBECH CAMBS PE13 1NB

Federated District Council

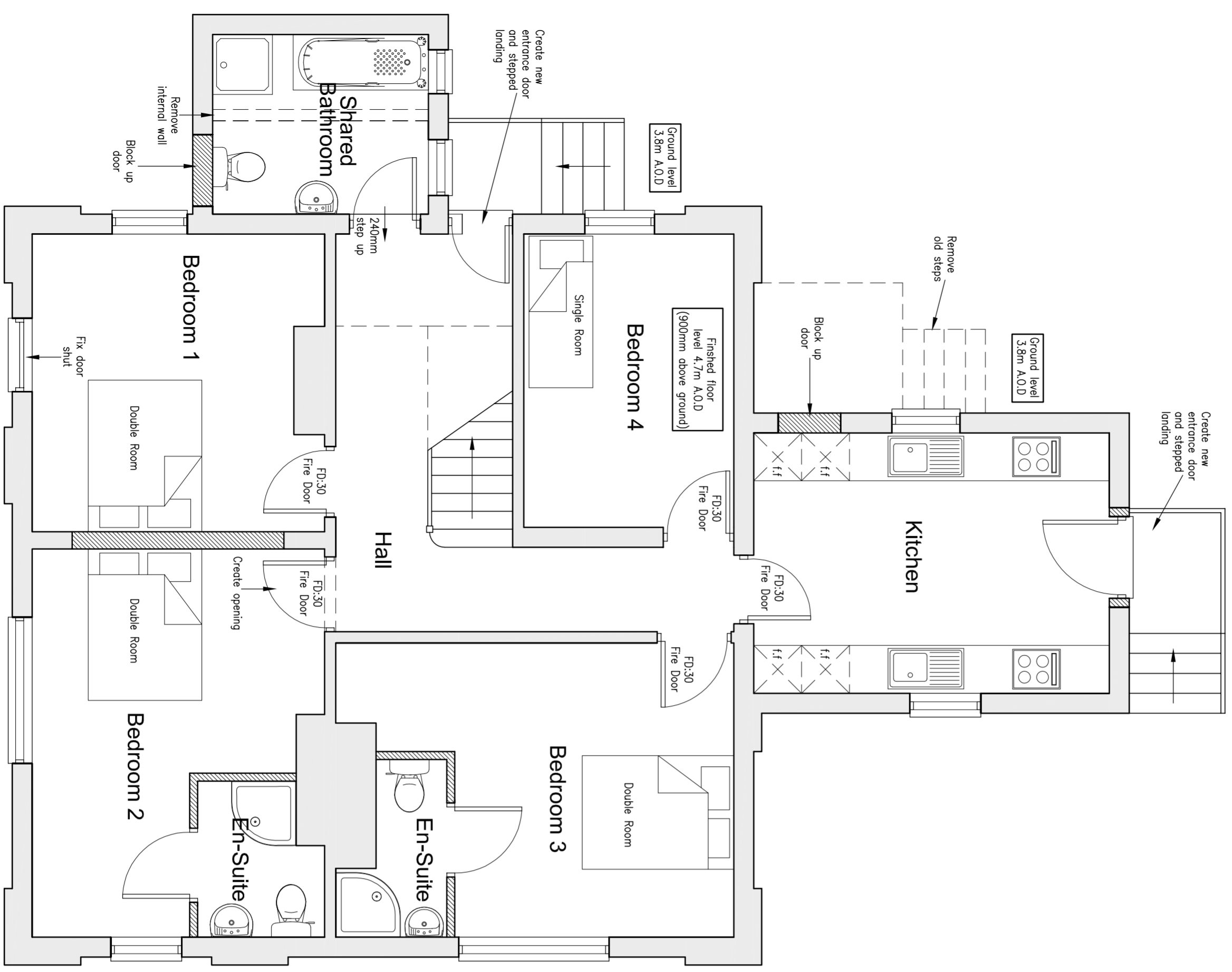
Building Design Awards

Category Winner 08,09,10 Overall Winner 2010

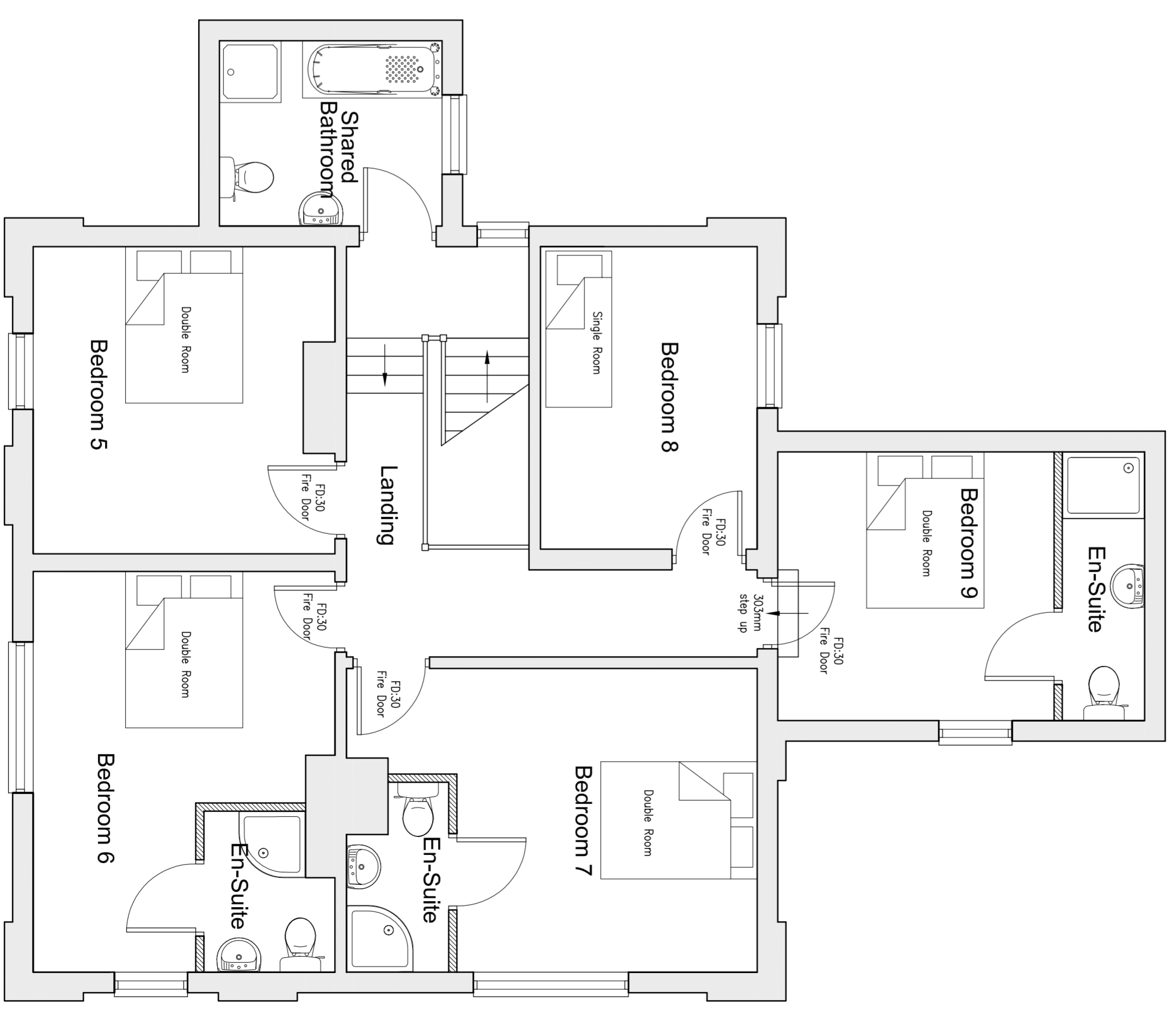


DRAWING
PROPOSED FLOOR PLANS

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Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50