
F/YR23/0875/F

**Applicant: Mr Simon Howard
Howard Renovations Ltd**

**Agent : Mr Lee Bevens
L Bevens Associates Ltd**

7 Station Road, Manea, March, Cambridgeshire PE15 0JL

Change of use of existing restaurant to a house of multiple of occupation (HMO) (Sui-Generis) for up to 12 persons, and associated works, retention of existing 2-bed dwelling, and outbuilding for storage

Officer recommendation: Grant

Reason for Committee: Number of representations received contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 This site has been the subject of 2 previous applications for planning permission (F/YR20/1257/F for up to 18 residents and F/YR22/0869/F for up to 11 residents) both of which were refused. The former was the subject of an appeal which was ultimately dismissed; however, the decision and its conclusions are a material consideration in the determination of the current application, and one which was not available at the time the 2022 application was determined.
- 1.2 The appeal was only dismissed on the basis of the identified harm to the living conditions of surrounding residents, with regards to noise and disturbance, in relation to the significant number of residents utilising the external amenity area. As such, the previously asserted overdevelopment of the site and impact of increased on-street parking demand on the amenity of surrounding residents can no longer be justified.
- 1.3 The current proposal incorporates acoustic fencing which is considered to mitigate potential noise and disturbance to surrounding dwellings, and when considered alongside the lower number of residents from the appeal scheme and absence of any additional identified harm, is not considered to result in a significant detrimental impact.
- 1.4 As such, the benefits of the scheme, namely the reuse of the existing building, effective use of land within a Growth Village and provision affordable accommodation, along with the contribution of the proposal to the sustainability of the village, is considered to outweigh the less than substantial harm now identified.
- 1.5 As such, the recommendation is the grant the application.

2 SITE DESCRIPTION

- 2.1 The application site is located on the western side of Station Road and comprises of the former 'Classics' restaurant with rooms above and the associated 2-bed dwelling attached. The building is 2-storey and 'L' shaped with a single-storey element to the rear.
- 2.2 There is a narrow tarmac access drive situated between 7 and 5 Station Road, leading to a small parking and garden area to the rear, there is also a part single-storey, part 2-storey height (there does not appear to be a first floor) brick-built outbuilding/store which forms the rear boundary of the site.

3 PROPOSAL

- 3.1 The application seeks full planning permission to change the use of the restaurant and rooms (5 rooms with shared bathroom and WCs) to a 6-bed HMO for accommodation of up to 12 residents with shared communal facilities and outside space, involving associated works.
- 3.2 Ground floor accommodation is to comprise of 1 bedroom with en-suite, communal kitchen, lounge and dining rooms, entrance hall/lobbies, stores, 2 WC's and shower room. The first floor comprises 5 bedrooms, 1 with en-suite, utility room, 2 shower rooms, 2 WC's and a bathroom. Internal alterations are proposed to facilitate this. Externally the building remains broadly the same aside from replacement windows of the same design, the removal of a high level first-floor window on the west elevation and insertion of a first-floor window in the south elevation.
- 3.3 The accommodation is required, according to the submitted information, to provide temporary, permanent and flexible living accommodation. An HMO is being applied for and as such would require a licence and be subject to the necessary legislative requirements.
- 3.4 The 2-bed dwelling is to be retained and will have a separate external area and 2 parking spaces which are to be surfaced in tarmac and demarcated, with a gravelled turning area behind.
- 3.5 The existing outbuilding is to be retained for storage for use by the landlord and the shed in the south western corner of the site has already been demolished. A bin storage area is proposed in the location of the former shed and 2m high acoustic fence proposed to enclose the western and southern boundaries and bin storage area. External cycle storage is also proposed.
- 3.6 It is understood that the building/site is currently being used in an unauthorised manner, however not for the development applied for, hence the application is not described as retrospective.
- 3.7 Full plans and associated documents for this application can be found at:

[F/YR23/0875/F | Change of use of existing restaurant to a house of multiple of occupation \(HMO\) \(Sui-Generis\) for up to 12 persons, and retention of existing 2-bed dwelling, and outbuilding for storage | 7 Station Road Manea March Cambridgeshire PE15 0JL \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

F/YR23/0561/PNC01	Change of use from ground floor restaurant to 3 x flats (2 x 1-bed and 1 x 2-bed) (Part 3, Class MA)	Refused 17/8/2023
F/YR22/0869/F	Change of use from restaurant and 2-bed dwelling to a house of multiple of occupation (HMO) (Sui-Generis) for up to 11 persons, and retention of existing 2-bed dwelling, outbuilding for storage and demolition of existing shed (part retrospective)	Refused 20/10/2022
F/YR20/1257/F	Change of use from restaurant and 2-bed dwelling to mixed use of 7-bed unit for accommodation of up to 18 residents with shared communal facilities and 2-bed dwelling involving retention of existing outbuilding for storage and demolition of existing shed (part retrospective)	Refused 20/08/2021 * Appeal dismissed 13/3/2023
F/0701/76/F	Use of premises as a guest house (retrospective)	Granted 22/11/1976

*Appeal Decision is provided at Appendix A

5 CONSULTATIONS

5.1 Parish Council (21/11/23)

Object.

- *Inadequate Parking*
- *Over Development*
- *Inadequate access and egress, reversing onto Station Road.*

5.2 Parish Council (30/1/24)

Object:

*12 persons still too many, over crowding
Lack of parking
Rooms too small*

5.3 Housing Compliance Manager (FDC) (16/11/23)

The proposed plans to convert this building into a HMO is acceptable, but would advise the owner to ensure the following aspects are addressed:

- 1. Mechanical extraction afforded to the en-suite in Bedroom 1, 1st floor lobby & ground floor shower rooms*
- 2. Consider installing an additional or larger window to bedroom 5, due to size of room*
- 3. Increase proposed washing up, cooking and cupboard facilities within the kitchen, in line with current HMO Regulations*
- 4. Whilst some rooms are of adequate size for more than 2 pers, bedrooms occupied for long term residential use should only be occupied by persons*

expected to live with each other. HMO's are unsuitable for children and therefore bedrooms should ideally be occupied by a maximum of 2 pers.

The team are confident that the above issues can be resolved informally with the owner, who has complied with all informal requests thus far. The team support the redevelopment of this building, which, otherwise would be left unoccupied and at risk of attracting vandalism and Anti-Social Behaviour, as is evidenced all too often throughout the district.

5.4 Housing Compliance Manager (FDC) (4/1/24)

Having reviewed this latest amendment (in relation to the revised arrangements to bed 5 and 6) I am satisfied that the alterations comply with HMO Regulations.

5.5 Housing Compliance Manager (FDC) (19/1/24)

Having reviewed the contents of the revised application which proposes a 12 person House in Multiple Occupation (HMO) at the above address, officers wish to make the following comments, which are made giving regard to the council's HMO Guidance & the HMO Regulations (Statutory Instruments: 2006 No 372/3 & 2018 No 616) and the Housing, Health & Safety Rating System (Housing Act 2004):

- 1. The revised application satisfies the consultation comment (point 2) submitted by this team on 16th November 2023*
- 2. The intention of the above recommendation was to increase the level of natural light into Bedroom 5. To install obscure glazing would partially reduce the impact of this additional window being installed. There are no additional hazards posed by installing clear glazing.*

*Further information relating to HMO requirements can be found at [Houses in Multiple Occupation \(HMO\) Licensing - Fenland District Council](https://www.fenland.gov.uk/HMO)
<https://www.fenland.gov.uk/HMO>*

5.6 Environmental Health (FDC) (12/12/23)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality, the noise climate or be affected by ground contamination.

It is acknowledged that Fenland District Council's Private Sector Housing Team have already commented on this application owing to the proposed change of use type.

5.7 Environmental Health (FDC) (4/1/24)

The acoustic fence inclusion would certainly be welcomed and is often typical of what is requested by this service and/or incorporated by developers as a means of noise mitigation to protect the external amenity of residents. This coupled with the reduction in number of proposed occupants would certainly aid to reducing the likelihood of being contrary to Policies LP2 and LP16 of the Fenland Local Plan as suggested by the Planning Inspectorate.

I have undertaken many inspections of Houses in Multiple Occupation (HMO) and from experience, I've found that the rear garden areas are typically used less than those providing accommodation for a family, due to their very nature of by definition not forming a single household.

5.8 Cambridgeshire County Council Highways

The Local Highway Authority raises no objections to the proposed development.

Whilst the lack of parking provision is undesirable and would likely lead to an increase in vehicles parking on the highway, if permitted. I do not believe that this would have a detrimental effect on highways safety in this location. However, Fenland District Council as the planning and parking authority should ensure that any permissions granted is inline with the relevant Parking Standards and Policies.

Recommended Conditions

HW11A – The access shall be laid-out as per the approved plans and be hardened for a min of 6m from the near edge of the highway carriageway and thereafter retained in perpetuity.

HW14A - Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

5.9 Environmental Services Operations Manager (Refuse Team) received on previous application F/YR22/0869/F:

With the proposal for this property to changed to up to 11 person HMO and retention of the 2 bed dwelling the maximum number of bins that would be as per our waste service standards [Getting it Sorted Policies and Procedures \(fenland.gov.uk\)](https://www.fenland.gov.uk). For the 2-bed dwelling this would be 1 x 240 litre General Waste Bin and 1 x 240 Recycling bin, for the to 11 person HMO this would be 2 x 240 litre General Waste Bins and 2 x 240 Recycling Bins collected on a 2-weekly basis.

Any additional waste generated outside of these service standards are not domestic waste and collection via a licenced waste carrier would need to be put in place by the landlord or management company at their expense. With the number of proposed residents' alternative arrangements above the standard bin provision will be required. The design and access statement indicates that alternative arrangements via a licensed waste carrier will be put in place therefore we would have no objections to this application.

5.10 Designing Out Crime Officer (19/12/23)

Thank you for the opportunity to comment on this planning application. Having viewed the documents, my previous comments 2nd September 2022 still stand I have no further comments.

Comments from 2/9/2022 received on F/YR22/0869/F:

Thank you for the opportunity to comment on this revised planning application. I have viewed the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering this location for the last 2 years a two-year period would usually provide sufficient information however, these figures also take account of Covid-19 lockdown and restrictions. I would consider this to be an area of low risk to the vulnerability to crime at present. We need to ensure that community safety and vulnerability to crime is addressed at an early stage with this application.

Please see my comments below as per previous comments 16th August 2022.

Crimes of note:

Crime Type	Total crimes for the ward = 228
Assault With Injury	4
Assault Without Injury	3
Burglary Residential	1
Public Order/Anti-Social Behaviour. Inc, Race and Religious offences	4
Criminal Damage Vehicle	2
Criminal Damage Other	1
Theft From Motor Vehicle	1

- Flats communal entrance's (front and rear) - Visitor Entry System (Audio Visual) & Access Control - it would be good to see what access control and visitor entry systems are being proposed – our recommendation is audio/visual visitor entry to allow the residents to see and speak to visitors prior to allowing access. There should be no trade buttons or other electronic release mechanisms.
- Post boxes - Ideally external wall mounted boxes TS009 standards fitted with restrictors.
- External lighting - please could you clarify what lighting there will be for the property, external lighting should be to BS5489:2020 standards. Home security lights to the front and rear of the properties should be dusk to dawn LED bulkhead lights (including ground floor flats) and the building line. Please note: Bollard lighting should be used as wayfinding only and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. (There are column lights that are sympathetic to the environment and work alongside wildlife ecology and light pollution!).
- Cycle Sheds – (I would like to see a design of the proposed shed once available) - door hinges should be coach-bolted through the shed structure or secured with security or non-return screws;
 - Two hasp and staples that meet 'Sold Secure' Silver should be used. One positioned 200mm - 300mm down from the top of the door, and one positioned 200mm - 300mm up from the bottom of the door. Additionally, hasp and staples should be coach bolted through the shed structure or secured with either security or non-return screws;
 - Both padlocks should meet 'Sold Secure' Gold or LPS 1654 Issue 1.1:2014 Security Rating 1 standard padlocks to be used;
 - Shall be securely fixed to a suitable substrate foundation.
<https://www.securedbydesign.com>
- Sheffield stands - the design problems that we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor, they should be within view of active windows. Minimum requirements for such equipment are:
 - Galvanised steel bar construction (Sheffield stands).
 - Minimum foundation depth of 300mm with welded 'anchor bar'
 - The cycle stands must facilitate the locking of both wheels and the crossbar. (Cycle crime is a problem across the County particularly Cambridge this

area is a regularly targeted hotspot). They should be in view of windows, overlooked by CCTV with appropriate lighting and signage.

There doesn't appear to be a section in the Design and Access statement relating to security or crime prevention, it is important that security and crime prevention are considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for residents and visitors.

I am happy if these could be a Condition should planning approval be given, as I consider it is essential for community safety and to reduce risk for opportunistic crime and disorder.

5.11 Designing Out Crime Officer (19/1/24)

Thank you for the opportunity to comment on this revised proposal. Having viewed the documents and revisions. This office has no comment.

5.12 Local Residents/Interested Parties

Objectors

27 objections have been received (all from Manea), in relation to the following:

- HMO not suitable for the village/not practical location
- Parking – lack of and increased on street parking
- Transient nature of accommodation
- Already being used as an HMO/applicant has disregarded previous refusals
- Anti-social behaviour/crime
- Noise
- Light pollution
- Incidents occurred where police have attended
- Visibility and access problems due to location of site on a bend
- Proximity to school
- Concerns regarding an increase in residents over that applied for
- Application is now for additional resident (11 previously now 12)
- Farm workers could be accommodated in caravans on land on farm.
- Loss of residential amenity/privacy
- Concerns over safety, security and site management
- Concerns regarding the use and condition of the outbuilding
- The use of the restaurant was restricted by its licence
- Discrepancies with the details submitted
- Refuse collection arrangements
- Does not provide adequate external amenity
- Limited public transport and therefore reliance of private vehicles
- Further overlooking/impact from additional first-floor window – should be obscure glazed and non-opening
- Removal of shed not indicated

Supporters

9 supporting comments have been received (8 from Manea and 1 from Peterborough), in relation to the following:

- Needs to be approved so property can be renovated; has been ongoing for 3 years
- Application addresses concerns raised by FDC
- Acoustic fencing has been added to reduce sound

- Number of occupants reduced by 33% from original application
- Improved garden area for retained 2-bed dwelling
- Highways have no issues
- Property is perfect for HMO use
- No yellow line restriction on road to prevent parking
- HMO's needed

Comments, where they relate to planning matters, will be addressed in the sections below.

6 STATUTORY DUTY

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)

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 60 – The needs of groups with specific housing needs are addressed.

Para. 83 – Promoting sustainable development of rural areas

Para. 88 and 89 – Supporting a prosperous rural economy

Para. 96 – Achieving healthy, inclusive and safe places

Para. 97 – Providing the social, recreational, cultural facilities and services the community needs

Para. 114 – Safe and suitable access to the site can be achieved for all users

Para. 115 – Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety

Para. 123 – Promoting effective use of land for housing and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions

Para. 124 d) – promote and support the development of under-utilised land and buildings

Para. 135 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Para. 191 a) – mitigate and reduce to a minimum potential adverse impacts resulting from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context – C1

Identity – I1, I2

Movement – M3

Homes and Buildings – H1, H2, H3

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

LP4 – Housing

LP6 – Employment, Tourism, Community Facilities and Retail

LP12 – Rural Areas Development Policy

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

Emerging Local Plan

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1 – Settlement Hierarchy

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP11 – Community Safety

LP17 – Culture, Leisure, Tourism and Community Facilities

LP20 – Accessibility and Transport
LP22 – Parking Provision
LP24 – Natural Environment
LP32 – Flood and Water Management

8 KEY ISSUES

- **Principle of Development and Economic Growth**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Highways and parking**
- **Flood Risk**
- **Ecology**

9 BACKGROUND

- 9.1 The planning background to this site which is relevant to this proposal (noting that the most recent application F/YR23/0561/PNC01 was an application for prior approval, rather than an application for planning permission) is discussed here:
- 9.2 Planning application F/YR20/1257/F was submitted for the change of use from restaurant and 2-bed dwelling to mixed use of 7-bed unit for accommodation of up to 18 residents with shared communal facilities and 2-bed dwelling involving retention of existing outbuilding for storage and demolition of existing shed (part retrospective).
- 9.3 This proposal was considered to fall outside the scope of HMO legislation and more akin to a Hostel, which would not be subject to the same regulatory control in relation to safeguarding the well-being of occupants. This application was refused by Planning Committee in August 2021 for the following reason:
- Policy LP2 of the Fenland Local Plan 2014 requires development proposals to promote high levels of residential amenity, promote health and wellbeing, reduce the fear of crime and anti-social behaviour and avoid adverse impacts. Policy LP16 seeks to create high quality living environments and ensure developments provide sufficient private amenity space and do not have adverse impacts on neighbouring users. Policy LP15 seeks to ensure developments provide well designed car parking appropriate to the amount of development proposed.*
- The proposal is considered to constitute an overdevelopment of this modest site. The number of residents, nature of the use, unacceptable waste collection arrangements and burden placed on the surrounding area to meet increased parking demand would result in a poor quality living environment for residents of the development and a significant detrimental impact on the residential amenity of neighbouring residents through noise and disturbance, contrary to the aforementioned policies.*
- 9.4 The aforementioned refusal was appealed, however at the time of the submission and determination of subsequent application F/YR22/0869/F the appeal was still ongoing and therefore could not be considered in the assessment of the scheme:
- 9.5 Planning application F/YR22/0869/F was submitted for the Change of use from restaurant and 2-bed dwelling to a house of multiple of occupation (HMO) (Sui-Generis) for up to 11 persons, and retention of existing 2-bed dwelling, outbuilding

for storage, and demolition of existing shed (part retrospective). This application was refused by Planning Committee in October 2022 for the following reason:

Policy LP2 of the Fenland Local Plan 2014 requires development proposals to provide high levels of residential amenity, promote health and wellbeing and avoid adverse impacts. Policy LP16 seeks to create high quality living environments and ensure developments provide sufficient private amenity space and do not have adverse impacts on neighbouring users. Policy LP15 seeks to ensure developments provide well designed car parking, appropriate to the amount of development proposed.

The proposal is considered to constitute an overdevelopment of this modest site. The number of residents, nature of the use and burden placed on the surrounding area to meet increased parking demand would result in a poor quality living environment for residents of the development and a significant detrimental impact on the residential amenity of neighbouring residents contrary to the aforementioned policies.

- 9.6 The appeal (APP/D0515/W/21/3283272) in relation to F/YR20/1257/F was dismissed in March 2023:

The Inspector considered *'the contribution the proposal would make to the provision of affordable rural workers accommodation and supporting the rural economy'* and concluded these benefits attracted limited weight. Moderate weight was given to *'the re-use of an existing building and the benefits to local services and trades'*.

It was considered that *'the proposal would provide satisfactory living conditions for future occupants but the lack of harm in this regard and to other identified matters are neutral considerations'*.

The inspector concluded that *'the proposed development would be harmful to the living conditions of surrounding residential occupiers with regard to noise and disturbance'* that *'this harm would be permanent'* and as such was ascribed *'substantial weight which would not be outweighed by the positive benefits of the scheme'*.

- 9.7 Whilst the appeal was ultimately dismissed, the decision and its conclusions (which will be considered in further detail in the following sections), are a material consideration in the determination of the current application, and one which was not available at the time application F/YR22/0869/F was determined.

10 ASSESSMENT

Principle of Development and Economic Growth

- 10.1 The application site is located within the settlement of Manea which is identified within the Settlement Hierarchy as a Growth Village; Policy LP3 of the Fenland Local Plan 2014 advises that development and new service provision either within the existing settlement (such as this site) or as small village extensions will be appropriate. Policy LP12 of the Fenland Local Plan 2014 (Part A) advises that for villages, new development will be supported where it contributes to the sustainability of the settlement.

- 10.2 LP6 of the Fenland Local Plan 2014 seeks to retain community facilities unless there is adequate justification, this would be applicable to the loss of the restaurant as it provides a service to the village. The current application provides no evidence to justify the loss, relying on the fact the Council have accepted this under the previous application (F/YR20/1257/F), which acknowledged the following:

A statement has been provided by the previous owners, advising that the building was put on the market with a specialist commercial agent in March 2018 and then with a local agent. There were no viewings from the commercial agent from March 2018 until the sale of the building to the applicant who bought the building not the business, there were only 2 other viewings, and neither were to purchase as a restaurant. The former owners had tested the market 12-13 years ago with 3 national hospitality agents, however there was no interest. The supporting statement advises that the pre-existing business was no longer viable, and it is understood this closed in 2019. Case law has established that the loss an existing use can be a material consideration where there is a likelihood that the use would resume if permission for an alternative use is refused, in this case it is considered unlikely as the business was not bought with the building, and given the backdrop of the Covid 19 pandemic and impact on hospitality.

In light of the above, the principle of the loss of the community facility is accepted.

- 10.3 The proposal would reuse an existing building, make effective use of land within a Growth Village and provide affordable accommodation. It is likely that residents would utilise shops and facilities within the village contributing to its sustainability, and the proposal would provide employment during the construction works.
- 10.4 Previous submissions have indicated that the proposal could serve the needs of farms in the wider region by providing accommodation for agricultural workers, however this has not been asserted for the current application.
- 10.5 Whilst the policies of the emerging local plan carry extremely limited weight in decision making:

Policy LP1, Part A identifies Manea as a large village; Part B advises that proposals within the settlement boundary (such as this site) will be supported in principle (subject to all other policy considerations).

Design considerations and visual amenity of area

- 10.6 Internal alterations are proposed to facilitate the change of use, externally the building remains broadly the same aside from replacement windows of the same design, the removal of a high level first-floor window on the west elevation and insertion of a first-floor window in the south elevation. The building and location are not considered to be sensitive, hence the replacement of some timber windows with UPVC, and the blocking up and insertion of windows to the rear, are not considered to create a significant adverse impact on visual amenity or the character of the area.
- 10.7 Previous objectors to the development proposals in relation to this site have raised concerns regarding the appearance of the site and it is accepted that the scale and nature of the occupancy could result in an untidy appearance. However, this is dependent upon the behaviour of residents (for example putting rubbish bags in bins rather than leaving them out for collection) and also the owners of the property to ensure it is managed properly. Furthermore, as the

proposal is for an HMO it would be subject to relevant legislation including in relation to management and waste disposal.

- 10.8 The bin storage area would be visible from the street due to the open nature of the drive/parking and turning area, however this is proposed to be partially enclosed by 2m high acoustic fence which would mitigate its impact.
- 10.9 There is an opportunity to improve the area to the rear of the site in relation to appearance and amenity and whilst some indication of landscaping has been provided, given the current condition of the site it could be considered reasonable to condition full details of hard and soft landscaping along with timescales for implementation.

Residential Amenity/Health and wellbeing

- 10.10 The accommodation is required, according to the submitted information, to provide temporary, permanent and flexible living accommodation. An HMO is being applied for and as such would require a licence and be subject to the necessary legislative requirements, including minimum room sizes. This restriction on the room size/number of people per room, the fact it would be their only or main residence and that rooms could not be shared by unrelated individuals (along with the maximum stated in the description of development) would limit residents. The Housing Compliance Manager put forward some recommendations in respect of the scheme which have been brought forward in terms of the number of occupants per room and the provision of additional light to Bed 5, other recommendations are matters of internal detail which could be secured under HMO regulations and/or Building Regulations as necessary. Overall, the Private Sector Housing Team support the redevelopment of this site.
- 10.11 Concerns were previously raised by the Council that the attached 2-bed dwelling could also be occupied intensively by several additional residents over and above those applied for in the HMO. However, in determining the aforementioned appeal, the Inspector considered that whilst located within the site, no changes were proposed to the modest 2-bed existing dwelling and therefore it was not considered harm would be caused.
- 10.12 In assessing the impact of the appeal scheme on the living conditions of surrounding residents the Inspector considered that *'Although activity within the building would not likely be noticeable to surrounding residential occupiers, the proposal could result in a significant number of residents utilising the external amenity area to the rear of the site. Whilst the proposed residential use lies within a predominantly residential area and there have been no objections from the Council's Environmental Health Team, the level of activity from this number of people, in terms of talking and other usage of this space, would be greater than that of a typical family dwelling such as those around the appeal site. The shared accommodation would be occupied by a group of unconnected people, so the external amenity space would likely be used for greater lengths of time than a garden used by a family. Given the proximity of the appeal site to neighbouring properties on Station Road, and to those on Orchard Way to the rear, this element of the proposal would likely cause an unacceptable level of noise and disturbance to neighbouring occupiers, including to the occupants of the retained dwelling on the appeal site. The previous use of the building as a restaurant and associated accommodation was considered and afforded limited weight, as 'the restaurant fallback position, despite its unrestricted occupancy and late night opening, would not be as or more harmful than the appeal scheme....'*

- 10.13 The Inspector did however consider that the *'proposal would provide satisfactory living conditions for its future occupants with regards to amenity space provision'* and that the *'loss of privacy to the rear amenity space of the existing dwelling on the appeal site could be overcome by imposing a planning condition to secure a taller fence'* (a 0.9m high picket fence was proposed).
- 10.14 The appeal scheme was for up to 18 residents and the current scheme is for up to 12 residents, a reduction of 6 (or 33%). The number of residents and intensification of use is still considered to give rise to concerns of noise and disturbance to surrounding dwellings (including the retained dwelling within the site) which was reflected in the refusal of application F/YR22/0869/F for up to 11 residents. However, it is now proposed to install 2m high acoustic fencing to the western and southern boundaries of the site and bin store and retain and make good the existing 2m high boundary wall to the north to mitigate this impact, in addition to providing a slightly larger amenity space for the retained dwelling which is to be enclosed by 1.5m close boarded fencing (a condition can be imposed to secure this with the addition of 0.3 trellis to provide adequate privacy while retaining surveillance of the parking area).
- 10.15 The Council's Environmental Health team have advised that the inclusion of the acoustic fence would be welcomed and is typical of that which is requested by them and/or incorporated by developers as a means of noise mitigation to protect the external amenity of residents, and that, coupled with the lower number of residents would aid in reducing the likelihood of unacceptable impacts on surrounding residents in relation to noise and disturbance. A condition can be imposed to secure full details of the acoustic fence and its provision prior to the occupation of the HMO. It is acknowledged that the acoustic fence would not provide mitigation to the existing dwelling within the site, however, the integrated relationship of the wider planning unit is such that a level of noise and disturbance would be expected, and to some extent would be for future occupants to be aware of potential impacts. The issue of noise and disturbance from the proposed development would need to be weighed in the planning balance against the backdrop of the previous reason for refusal and the more recent appeal decision.
- 10.16 The application proposes an additional first-floor window to the south elevation serving Bed 5 (at the request of the Housing Compliance Manager, to provide additional light due to the size of the room). The window is located approximately 13m from the rear boundary and 19m to the southern boundary, it would have a view towards the dwellings on Orchard Way (mitigated to some degree by the existing outbuilding) and 5 Station Road to the south which would lead to a degree of overlooking, as such, should the application be successful it is considered reasonable to impose a condition to ensure this is obscure glazed and fixed shut below 1.7m to avoid additional overlooking impacts, noting that this is additional to provide light and the existing window would provide an acceptable outlook from this room.
- 10.17 Concerns have been raised by local residents in relation to anti-social behaviour (which is understood to have already occurred on site) and the management of the site. The Designing Out Crime Team consider that measures should be conditioned to ensure community safety and reduce risk for opportunistic crime and disorder. It is understood that the management of the site would fall within HMO legislation however security measures and lighting (to ensure community safety and no unacceptable impacts on surrounding residents or ecology) could be secured by way of a condition).

- 10.18 The Council's Refuse Team have advised that the bin requirements for the site would be 1 x 240 litre General Waste Bin and 1 x 240 Recycling bin for the 2-bed dwelling and for the HMO, 2 x 240 litre General Waste Bins and 2 x 240 Recycling Bins, all collected on a 2-weekly basis. Any additional waste generated outside of these service standards is not considered domestic waste, collection via a licenced waste carrier would need to be put in place by the landlord or management company, and with the number of proposed residents alternative arrangements above the standard bin provision will be required. The proposed site plan indicates a bin storage area in the southwestern corner of the site containing 2 x 1100 litre bins (1 General Waste Bin and 1 Recycling) which would be subject to private refuse collection arrangements. On this basis the Refuse Team have no objections to the scheme, and adequate waste collection facilities would also fall under the HMO legislation. However, full details of the collection arrangement (will bins be collected from within the site or roadside and how often, for example) have not been submitted and as such a condition would be required in this regard to ensure a suitable arrangement is achieved.
- 10.19 Local residents have previously advised that the existing outbuilding is in poor repair and contains asbestos, however no works are proposed to this as part of the application and the management of asbestos is subject to relevant legislation outside of planning control.
- 10.20 Cambridgeshire Fire and Rescue Service have been consulted on this application; however no comments have been forthcoming. Nevertheless, a Fire Risk Assessment is required to be undertaken and forms part of the HMO licence conditions.

Highways and parking

- 10.21 The application site is located in a central location which would enable access to shops and services within the village by walking and cycling (cycle storage is indicated, however full details are required to be secured by condition). Modes of public transport are available, though it is acknowledged that the railway station is approximately 1 mile from the site and options may be limited due to the rural nature of the area.
- 10.22 It is acknowledged that occupiers of HMOs generally have a lower level of car ownership (as indicated by appeal decisions¹) and there are no parking standards for HMOs, as such it would be reasonable to adopt the policy standard for hotels and hostels, which is 1 space per bedroom. On this basis the required on-site parking provision would be 6 spaces for the HMO and 2 for the 2-bed dwelling, a total of 8.
- 10.23 The submitted site plan details 2 parking spaces on site, serving the existing 2-bed dwelling only, these are of adequate dimensions to be considered usable and turning is indicated enable vehicles to enter and exit in forward gear. This is a policy compliant level of parking for the existing dwelling however no on-site parking spaces are provided on site to serve the proposed HMO, therefore there is a shortfall of 6 spaces.
- 10.24 The Local Highways Authority (LHA) acknowledge that the lack of parking provision is undesirable and will likely lead to vehicles parking on the highway, however they do not consider that this would have a detrimental effect on highway safety. In determining the appeal for the 18 resident proposal (F/YR20/1257/F) the Inspector did not consider that the lack of on-site parking,

which would likely lead to vehicles parking *'in front of the appeal property or elsewhere along Station Road'* would *'give rise to undue noise and disturbance to surrounding residential occupiers'*, and as such this element of the previous reasons for refusal falls away.

- 10.25 Should the application be successful, the LHA request conditions in respect of the access to the site and the provision and retention of the parking and turning; given that the access is existing and there are no proposals to alter its surface the former is not considered necessary.

¹ APP/D0515/W/17/3176139, APP/T3725/A/14/2226824 and APP/P2365/W/16/3162936

Flood Risk

- 10.26 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures.

Ecology

- 10.27 The application site falls on the outskirts of an Amber Great Crested Newt (GCN) Zone, these are areas where there are GCN populations, habitats and dispersal routes. There are known ponds/water bodies within 250m of the site, however, due to the built-up nature of the area and the presence of the main road through the village, which are likely to be a barrier to dispersal, and given that the application is predominantly for a change of use, in this case, it is not considered necessary to request further information in this regard.
- 10.28 The original scheme (F/YR20/1257/F) proposed the demolition of the existing outbuilding/store, and a preliminary roost assessment was undertaken at that time. The assessment concluded that there was no evidence of bat usage or suitable roosting features and no evidence of nesting birds. That the site is of low ecological value and would benefit from enhancement; bat and bird boxes were recommended in addition to bat friendly lighting.
- 10.29 The aforementioned assessment has not been submitted with this current application as there are no works proposed to the retained outbuilding. However, a range of bat and bird boxes have been incorporated, in accordance with the recommendations of the assessment, and given the proposed loss of existing vegetation it is considered reasonable to condition their installation and retention.

11 PLANING BALANCE AND CONCLUSIONS

- 11.1 As with the previous applications, the principle of development is accepted and the loss of the restaurant with rooms is considered to be justified; there are no issues to address with regards to the visual amenity and character of the area, highway safety, flood risk or ecology.
- 11.2 Application F/YR22/0869/F, in relation to a similar scheme for up to 11 residents was refused for the following reason:

'The proposal is considered to constitute an overdevelopment of this modest site. The number of residents, nature of the use and burden placed on the surrounding area to meet increased parking demand would result in a poor quality living environment for residents of the development and a significant detrimental impact on the residential amenity of neighbouring residents'

- 11.3 Whilst the subsequent appeal in relation to F/YR20/1257/F for up to 18 residents was ultimately dismissed, the decision and its conclusions are a material consideration in the determination of the current application, and one which was not available at the time application aforementioned application was determined.
- 11.4 The appeal was only dismissed on the basis of the identified harm to the living conditions of surrounding residents, with regards to noise and disturbance, in relation to the significant number of residents utilising the external amenity area. As such, the previously asserted overdevelopment of the site and impact of increased on street parking demand on the amenity of surrounding residents can no longer be justified.
- 11.5 The current proposal incorporates acoustic fencing which is considered to mitigate potential noise and disturbance to surrounding dwellings, and when considered alongside the lower number of residents from the appeal scheme and absence of any additional identified harm, is not considered to result in a significant detrimental impact.
- 11.6 In conclusion, the benefits of the scheme, namely the reuse of the existing building, effective use of land within a Growth Village and provision affordable accommodation, along with the contribution of the proposal to the sustainability of the village is considered to outweigh the less than substantial harm now identified.

12 RECOMMENDATION

Grant; subject to the following conditions:

1.	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The HMO hereby permitted shall only be occupied by a maximum of 12 residents at any one time.</p> <p>Reason: To ensure that any increase in occupancy of the property is subject to appropriate consideration of the impacts on residential amenity in accordance with policy LP16 of the Fenland Local Plan 2014.</p>

3.	<p>Prior to the first occupation of the HMO hereby permitted full details of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic fence shall then be installed in the locations indicated on drawing FP-1-100, along with a 1.5m high close boarded fence with 0.3m high trellis on top to the external amenity area serving the 2-bed dwelling, prior to the first occupation of the HMO hereby permitted. The fences shall be retained as such thereafter (notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason: To safeguard the noise environment of the surrounding locality and amenity of the 2-bed dwelling, in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
4.	<p>Prior to the first occupation of the HMO hereby permitted, a scheme detailing security measures and external lighting (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.</p> <p>Reason: In order to ensure adequate safety and security on site and in the interests of residential amenity, in accordance with Policies LP16 and LP17 of the Fenland Local Plan 2014.</p>
5.	<p>Prior to the first occupation of the HMO hereby permitted a refuse collection strategy (including a timetable for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity.</p> <p>Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan 2014.</p>
6.	<p>Prior to the first occupation of the HMO hereby permitted full details of the cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the HMO and thereafter retained in perpetuity.</p> <p>Reason In the interests of security, the convenience of cyclists, and to encourage sustainable forms of transport in accordance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
7.	<p>Prior to the first occupation of the HMO hereby permitted, full details of a hard and soft landscaping scheme (including timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details retained thereafter in perpetuity.</p> <p>Reason: To ensure proper implementation of landscaping in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>

8.	<p>Prior to the first occupation of the HMO hereby permitted, the proposed on-site parking/turning area shall be laid out in accordance with the approved plan and drained within the site. The parking/turning area shall thereafter be retained as such in perpetuity.</p> <p>Reason - To ensure adequate on site parking and turning is retained for the existing 2-bed dwelling, in accordance with Policy LP15 of the Fenland Local Plan 20143</p>
9.	<p>Before the first occupation of bedroom 5 in the HMO hereby permitted, the proposed window serving this room shall be glazed with obscure glass and fixed shut to a height of no less than 1.7 metres above the floor level of the room within which it is installed and so maintained in perpetuity thereafter.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>
10.	<p>The proposed bat and bird boxes indicated on drawing FP-1-100 shall be installed prior to the first occupation of the HMO hereby permitted and thereafter retained in perpetuity.</p> <p>Reason - To protect and enhance the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
11.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>

Appendix A

Appeal Decision APP/D0515/W/21/3283272 in relation to F/YR20/1257/F



Appeal Decision

Hearing held on 24 January 2023

Site visit made on 24 January 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/D0515/W/21/3283272

7 Station Road, Manea, Cambridgeshire PE15 0JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Howard (Howard Renovations Ltd) against the decision of Fenland District Council.
 - The application Ref F/YR20/1257/F, dated 9 December 2020, was refused by notice dated 20 August 2021.
 - The development proposed is the change of use from restaurant and 2-bed dwelling to mixed use of 7-bed unit for accommodation of up to 18 residents with shared communal facilities and 2-bed dwelling involving retention of existing outbuilding for storage and demolition of existing shed.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was revised during consideration of the planning application subject of this appeal. The revised scheme reduced the number of occupants from a maximum of 30 to 18, and also included the removal of the proposed flats whilst retaining an existing outbuilding. It is clear from the evidence before me that the interested parties to this appeal are aware of the changes and have had the opportunity to make representations on the revised scheme.
3. The revised description of development also includes reference to 'part retrospective', but it was confirmed at the Hearing that the change of use as applied for had not commenced. For clarity, I have considered this appeal based on the revised description of development as a proposal, and on the basis of the plans submitted to and considered by the Council.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the living conditions of surrounding residential occupiers with regard to noise and disturbance and privacy;
 - whether the proposal would provide satisfactory living conditions for future occupants with regards to amenity space provision; and,
 - the need for agricultural workers accommodation.

Reasons

Living conditions of surrounding residential occupiers

5. The proposed change of use would provide shared residential accommodation for up to 18 residents. Although activity within the building would not likely be noticeable to surrounding residential occupiers, the proposal could result in a significant number of residents utilising the external amenity area to the rear of the site. Whilst the proposed residential use lies within a predominantly residential area and there have been no objections from the Council's Environmental Health Team, the level of activity from this number of people, in terms of talking and other usage of this space, would be greater than that of a typical family dwelling such as those around the appeal site. The shared accommodation would be occupied by a group of unconnected people, so the external amenity space would likely be used for greater lengths of time than a garden used by a family. Given the proximity of the appeal site to neighbouring properties on Station Road, and to those on Orchard Way to the rear, this element of the proposal would likely cause an unacceptable level of noise and disturbance to neighbouring occupiers, including to the occupants of the retained dwelling on the appeal site.
6. The Council has raised concern that the existing dwelling on the appeal site could be occupied intensively by several additional residents to those that would occupy the proposed 7-bedroom shared accommodation. Although this dwelling sits within the appeal site, no changes are proposed to the modest two-bedroom existing property. Therefore, I do not consider harm would be caused.
7. There would be frequent comings and goings to and from the appeal property due to the number of occupants, but other than the small number of parking spaces within the appeal site, vehicles would park on-street. The proposal would accommodate up to 18 occupants, and it was confirmed that around half the number of occupants would have vehicles. As such, the parking of around 6-7 vehicles that could not be accommodated within the site, would likely take place to the front of the appeal property or elsewhere along Station Road. Although some of these vehicle movements may be at 'unsociable' hours, given the expected number of vehicles and the likelihood that vehicles parking would be dispersed in different locations, I do not consider that this would give rise to undue noise and disturbance to surrounding residential occupiers. The appellant also confirmed that the minibus, referenced in written submissions, was not likely to be used, but even if it was, it would also be likely to lead to a reduction in private vehicle usage. Either way, I do not consider the proposal would be harmful to surrounding residential occupiers.
8. Concerns about a loss of privacy to the rear amenity space of the existing dwelling on the appeal site could be overcome by imposing a planning condition to secure a taller fence around the existing dwelling's amenity space than the 0.9m high picket fence which is shown on the proposed site plan.
9. Reference has been made to anti-social behaviour at the appeal property. The appeal scheme before me is however for a proposed use and there is no evidence, despite the potential level of occupancy, that this would necessarily give rise to anti-social behaviour.

10. Nevertheless, I conclude that the proposal would result in unacceptable harm to the living conditions of surrounding residential occupiers with regard to noise and disturbance. As such, the proposal would be contrary to Policies LP2 and LP16 of the Fenland Local Plan (Local Plan), which seek, amongst other matters, to promote high levels of residential amenity. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework), which seeks a high standard of amenity for existing and future users.
11. Reference has been made to Local Plan Policy LP15, but this is not relevant to living condition matters.

Living conditions of future occupants

12. The proposal would provide sufficient sleeping, washing and communal kitchen and living facilities to enable future occupants to have satisfactory living conditions. The Council's main area of concern relates to the limited outdoor space proposed. However, there are no local standards governing how much external amenity space should be provided.
13. From the information before me, and my site observations, the rear private amenity space would be compact, but it nevertheless would provide a usable outdoor space. The appellant has stated that the shared accommodation would not be occupied by families with children. I consider that the shared accommodation proposed would not be suitable for occupation by families due to its size and the reliance on shared facilities. There is no evidence before me that given the nature of the accommodation, with occupants not forming a single household, that the use of the communal amenity space could not be reasonably managed to meet their requirements.
14. The layout of the external area also provides for refuse and cycle storage, which would be of sufficient size to accommodate the required number of bins. Although concern has been raised by the Council on the practicalities of up to 8 bins being presented near the site's boundary with the road on collection day each week and the proximity of the window and door in the side elevation of the existing dwelling on the appeal site, the width of the drive and walkway mean that the practicality and usability of this servicing arrangement would not be harmful.
15. I therefore conclude that the proposal would provide satisfactory living conditions for its future occupants with regards to amenity space provision. As such, it would accord with Local Plan Policies LP2 and LP16 or Paragraph 130 of the Framework, which seek, amongst other matters, to provide sufficient private amenity space, suitable to the type and amount of development proposed. Local Plan Policy LP15, which relates to the creation of a more sustainable transport network is not relevant to living condition matters.

Need for agricultural workers accommodation

16. It is common ground between the main parties that there is a need for affordable, rural workers accommodation in Manea, where the main economic activities relate to agriculture. Despite the undisputed need for this type of accommodation, there wasn't any evidence provided to support its provision at this location, such as the lack of alternative sites in Manea or other areas that are accessible to agricultural enterprises in the surrounding rural area.

17. There may be advantages of housing 18 workers in one location, which is accessible to local services and public transport, but the appellant was not able to provide further details on where such workers would be employed, and whether their work would be co-located with one employer. As a result, there is no evidence that the provision of accommodation to meet the need for rural workers, could not be provided for at different locations, particularly as the submissions before me indicate that the occupants would be working in shifts and therefore could be living in different location.
18. The appellant has referenced problems faced by workers when they reside on an agricultural unit itself from noise and odour by general farming activity. However, I am not persuaded that alternative accommodation, such as mobile homes would necessarily provide unsatisfactory conditions as the appellant has set out.
19. To conclude therefore, there would undoubtedly be benefits arising from the provision of the accommodation that this appeal scheme proposes. It would comply with Local Plan Policy LP3 and paragraph's 60 and 84 of the Framework which set out the need to provide for groups with specific housing requirements and the support for a prosperous rural economy. I attach some weight to these benefits, but this is limited by the lack of justification for such accommodation to be at this specific site. The appellant confirmed that as well as workers in the agricultural sector, the proposed accommodation would be available to other occupants not working in this sector. This tempers the weight that I am able to afford these benefits.

Other matters

20. A comparison was made by the appellant to the Friday Bridge Camp¹ which provided accommodation to overseas contract farm workers. The Friday Bridge Camp is much larger than the proposal, which is said to have housed around 350 workers, in addition to providing a wide range of other on-site facilities such as a tennis court and football pitch. Its location and surroundings in a rural area also differs from the appeal proposal which is situated in a predominantly residential area. As such, the proposal is not directly comparable to the Friday Bridge Camp site.
21. I acknowledge that the Council sought to control the use of the occupation of the Friday Bridge Camp through planning conditions, including limiting the occupation through the peak season. However, limiting the occupancy levels to a number of months through the year at the appeal site would not address the harm that I have identified in relation to the first main issue and nor would a temporary permission be suitable for the same reasons given the impact the development would have on the living conditions of surrounding residential occupiers.
22. The use of the appeal property previously as a restaurant and associated accommodation has been referenced as a fallback position by the appellant. This was a long-standing use that would have generated vehicle parking and movements and associated noise and disturbance. The appellant has stated, with reference to a letter from the previous owners, that the restaurant was not viable and there is no evidence that this position has changed and that the site would be used again as such should this appeal be dismissed. Even if it

¹ Also referenced as Friday Bridge International Camp

was, unlike the appeal proposal, the rear outdoor area was not used by patrons or occupants and there is nothing before me that suggests it would in the future. As such, the restaurant fallback position, despite its unrestricted occupancy and late-night opening, would not be as or more harmful than the appeal scheme which would, due to the level of activity in the outdoor amenity space, give rise to harmful noise and disturbance to surrounding residential occupiers. I therefore attach limited weight to this consideration.

23. Reference was made to permitted development rights that could be exercised, including Class MA in Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which grants permission for a change of use from Class E to Class C3 (dwellinghouses). Although an interested party has referenced the potential for 2 or 3 homes, limited further information has been provided on this alternative scheme which would be subject to the prior approval process. If I were to consider that there was a real prospect of the fallback position advanced taking place, the use of external amenity areas serving up to three dwellings would be less harmful than the external amenity space to the proposal as they would not be used by a large group of unconnected people. As such, the fallback position does not justify the appeal proposal.
24. The proposal would reuse an existing building and make effective use of land in a 'Growth Village' as defined by the Local Plan. It will support local services and provide employment during the construction works. These matters weigh in favour of the proposal, albeit these matters carry moderate weight given the size of the appeal building.
25. The proposal would not give rise to any harmful impacts on highway safety and there have been no objections from a number of consultees, including the local highway authority and Cambridgeshire Fire and Rescue Service. There would also be no impact arising on the built and natural environment or on infrastructure. These are neutral matters and not ones which weigh in favour of or against the development.
26. The appellant has set out that pre-application advice was sought, and this informed the appeal application. However, I have considered the proposal on its planning merits having regard to the evidence before me.

Conclusion

27. I have considered the contribution this proposal would make to the provision of affordable rural workers accommodation and supporting a prosperous rural economy. However, such benefits attract limited weight for the reasons set out. I have attached moderate weight to the reuse of an existing building and the benefits to local services and trades.
28. The proposal would provide satisfactory living conditions for future occupants but a lack of harm in this regard and to other identified matters are neutral considerations.
29. I have found that the proposed development would be harmful to the living conditions of surrounding residential occupiers with regard to noise and disturbance. This harm would be permanent and I ascribe this substantial weight which would not be outweighed by the positive benefits of the scheme.

30. The proposed development would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal is dismissed.

F Rafiq

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Adam Tuck	Cheffins
Simon Howard	Howard Renovations Ltd
Ian Howard	Howard Renovations Ltd

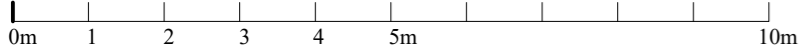
FOR THE LOCAL PLANNING AUTHORITY:

David Rowen	Fenland District Council
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INTERESTED PARTIES:

Gerald Carey	Local Resident
Charlie Marks	Councillor, Fenland District Council

Scale: 1:100



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BIO-DIVERSITY ENHANCEMENTS

1. Bird boxes

A variety of nest boxes catering for House Sparrow, House Martin and Swift will be installed on the existing outbuilding facing between north and east and at heights of two to four metres; two House Sparrow nest box, two House Martin nest and two Swift nests are suitable for the proposals. To be installed prior to completion of the change of use to HMO.

2. Bat boxes

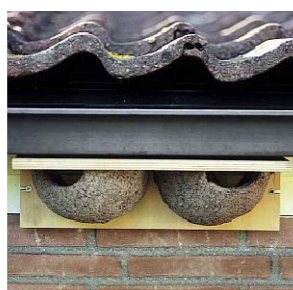
The Eco Kent Bat Box (2 No.) provides a weatherproof outer shell for a more cosy and longer-lasting roost site for a range of bat species. It has two 18mm crevices and is made from rough-sawn FSC-certified UK-grown timber, with a 100% recycled plastic outer covering. It is self-cleaning. 3 concealed keyhole fixings at top of box. 23(W) x 16(D) x 52cm(H). Position the box at least 3m above ground level away from artificial light sources. Bat boxes should be installed, on the existing out-building and these will be best located in a south facing position.



House Sparrow bird box (SP) x 2



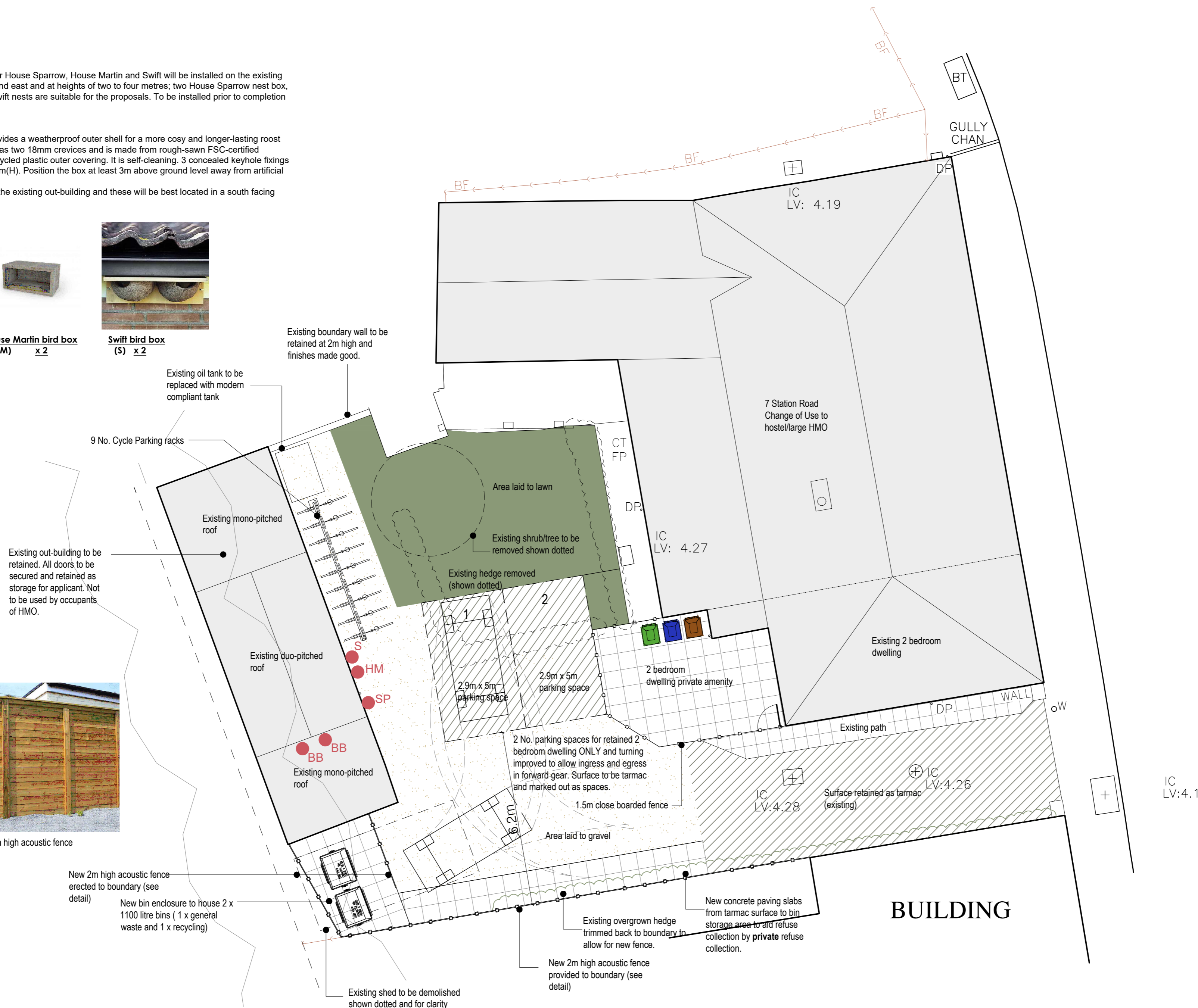
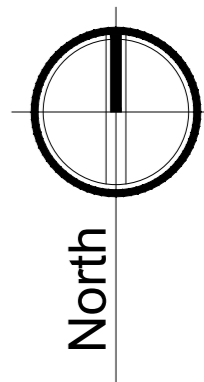
House Martin bird box (HM) x 2



Swift bird box (S) x 2



Eco Kent Bat Box (BB) x 2



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DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION	FILE COPY
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CLIENT
Howard Renovations Ltd

PROJECT
Former Classics Restaurant, 7 Station Road, Manea, Cambridgeshire.

DRAWING TITLE
Proposed Site Plan

SCALE	DATE	DRAWN	CHECKED
1:100 @ A2	September 2023	LB	

DRAWING NUMBER
CH23/LBA/646/FP-1-100

REVISION



Created on: 09/11/2023

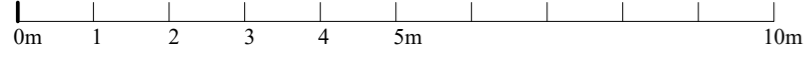
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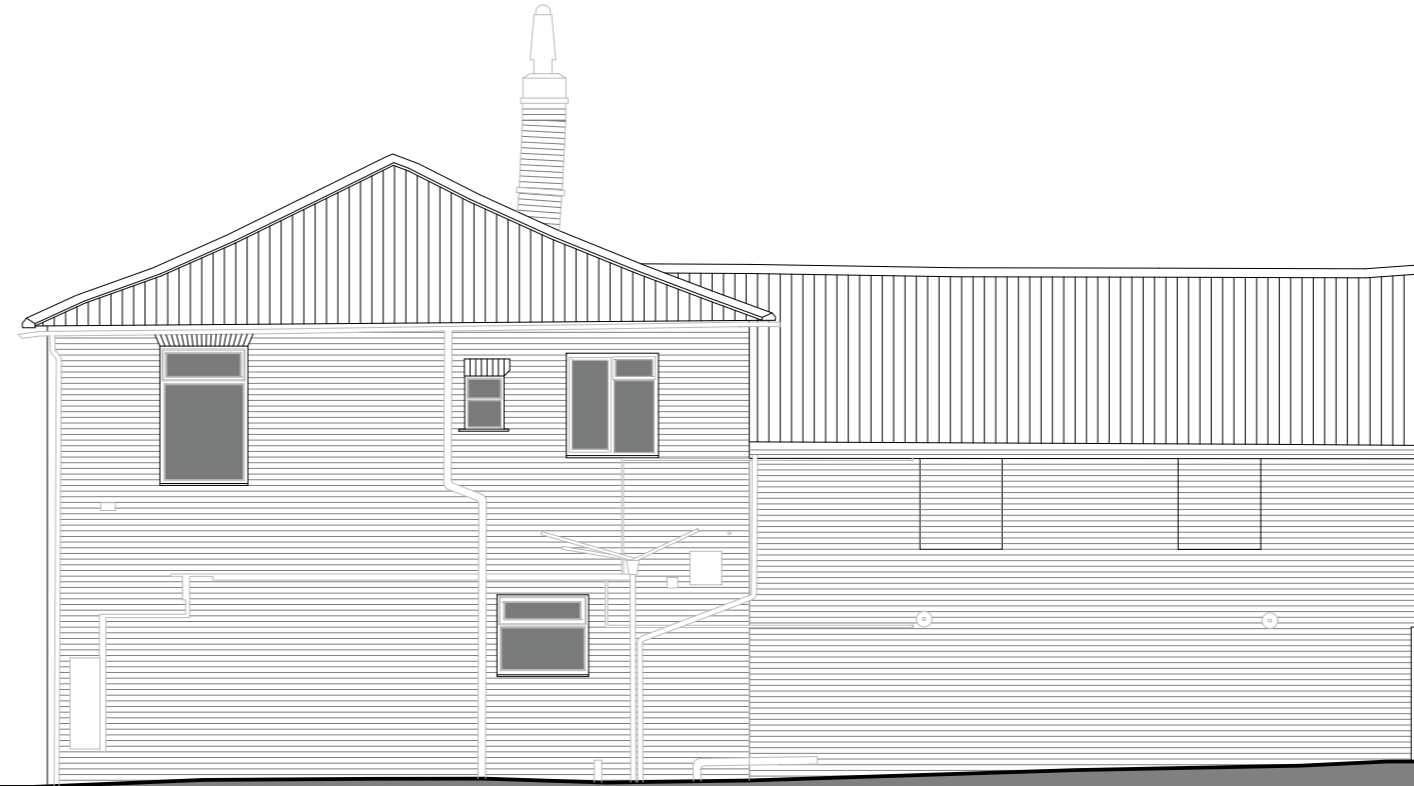
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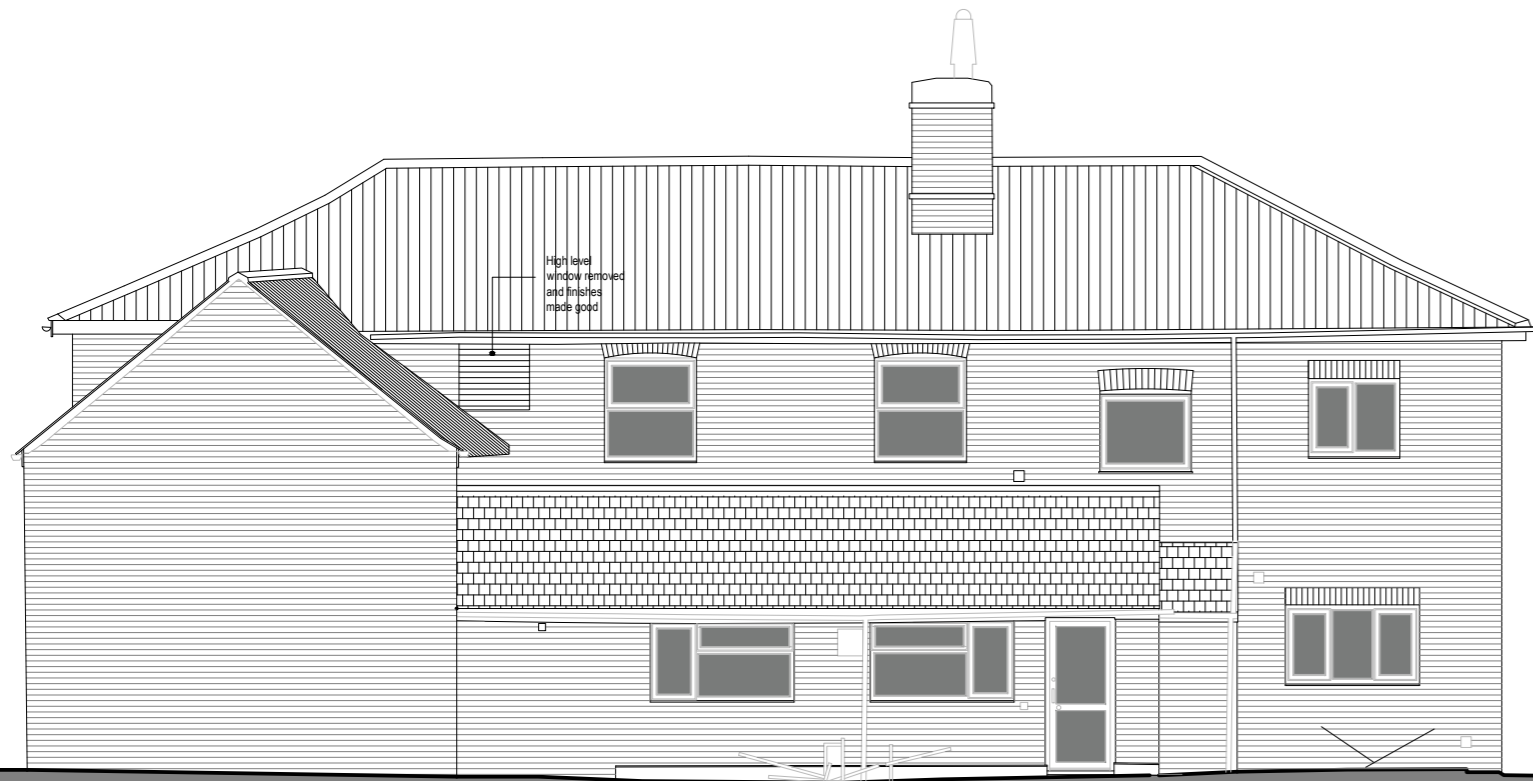
Scale: 1:100



Proposed East Elevation



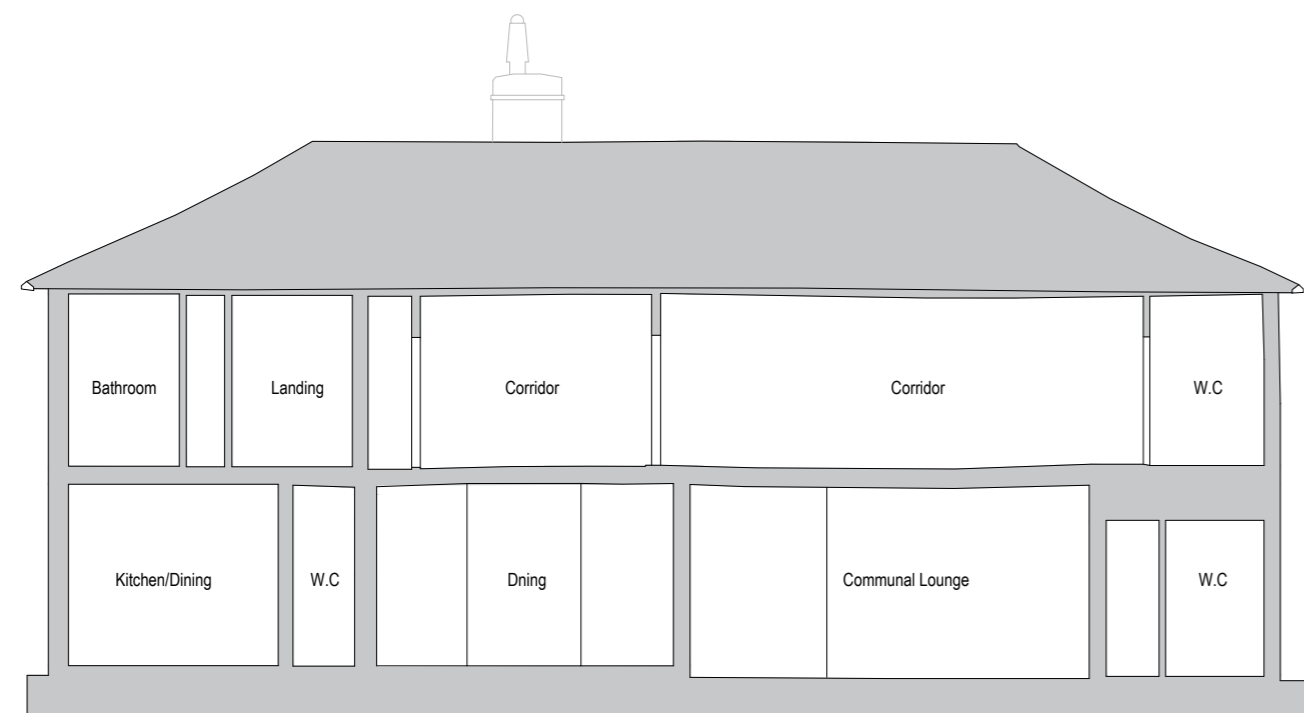
Proposed North Elevation



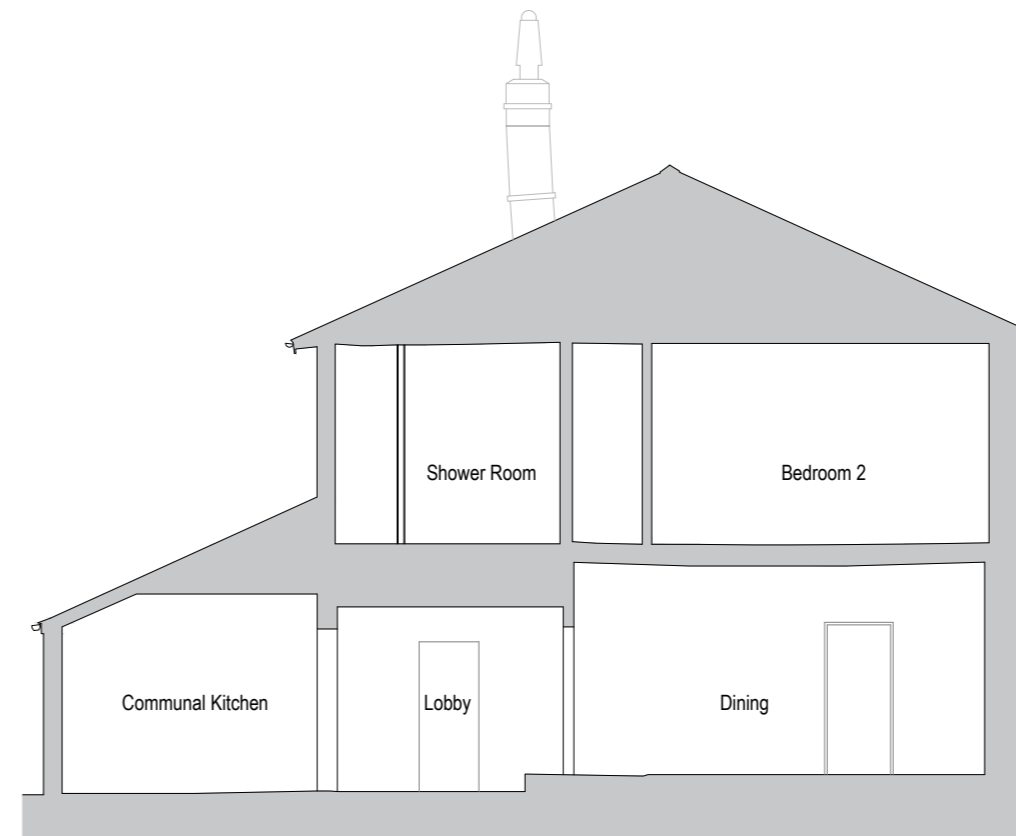
Proposed West Elevation



Proposed South Elevation



Proposed Section A-A



Proposed Section B-B

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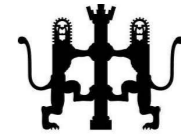
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IT IS THE CONTRACTOR'S RESPONSIBILITY TO ACCURATELY LOCATE EXISTING SERVICES PRIOR TO WORKS COMMENCING.

Rev B Jan. 24. Additional window added to Bedroom 5 (South Elevation) and high level window removed from West Elevation.



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DRAWING STATUS	PRELIMINARY <input type="checkbox"/>	PLANNING <input type="checkbox"/>	CONSTRUCTION <input type="checkbox"/>
		FILE COPY <input type="checkbox"/>	

CLIENT
Howard Renovations Ltd

PROJECT
Former Classic Restaurant, 7 Station Road,
Manea, Cambridgeshire.

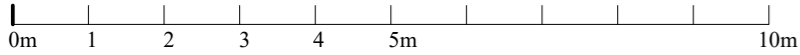
DRAWING TITLE
Proposed Elevations

Proposed Sections

SCALE	DATE	DRAWN	CHECKED
1:100 @ A2	September 2023	LB	

DRAWING NUMBER	REVISION
CH23/LBA/646/FP-1-102	A

Scale: 1:100



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Bedroom Schedule

Bedroom 1	32 sq.m	2 Persons
Bedroom 2	21 sq.m	2 Persons
Bedroom 3	19.5 sq.m	2 Persons
Bedroom 4	18.5 sq.m	2 Persons
Bedroom 5	32 sq.m	2 Persons
Bedroom 6	10.7 sq.m	2 Persons
TOTAL = 12 Persons		



Proposed Ground Floor Plan



Proposed First Floor Plan

- Rev B Jan. 24. Additional window added to Bedroom 5
- Rev A Jan. 24. Bedroom 6 increased to 2 persons and Bedroom 5 reduced to 2 persons.



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	PLANNING	FILE COPY

CLIENT
 Howard Renovations Ltd

PROJECT
 Former Classics Restaurant, 7 Station Road,
 Manea, Cambridgeshire.

DRAWING TITLE
 Proposed Ground and First Floor Plan

SCALE	DATE	DRAWN	CHECKED
1:100 @ A2	October 2023	LB	
DRAWING NUMBER	REVISION		
CH23/LBA/646/FP-1-101	B		