
F/YR23/0858/F

**Applicant: Tom Barrett
Barrett Properties**

**Agent : Mr G Boreham
Morton & Hall Consulting Ltd**

41 Queens Road, Wisbech, Cambridgeshire, PE13 2PE

Change of use of 4-bed dwelling (C3) to form house of multiple occupation (HMO) (Sui Generis) for up to 8 persons involving demolition of existing garage and formation of an access.

Officer recommendation: Grant

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

1 EXECUTIVE SUMMARY

- 1.1** The current application seeks planning permission for change of use from dwelling (C3) to form a house of multiple occupation (HMO) (Sui Generis) for up to 8 persons. The scheme has been amended during the course of the application as it was originally submitted for a HMO for 12 persons.
- 1.2** As such, the benefits of the scheme, namely the reuse of the existing building, effective use of land within a Primary Market Town and provision affordable accommodation, along with the contribution of the proposal to the sustainability of the settlement, is considered to outweigh the less than substantial harm now identified.
- 1.3** As such, the recommendation is to grant the application.

2 SITE DESCRIPTION

- 2.1** The application site consists of a two-storey semi-detached house in a traditional arts and craft style. The loft space has already been converted and has internal access stairs.
- 2.2** The dwelling benefits from an ample rear garden, surrounded by brick walls on both sides. There is currently a modest garage on the site with an access from rear that is to be removed as part of the scheme.
- 2.3** The site is not located in a conservation area.

3 PROPOSAL

- 3.1 The current application seeks planning permission for the proposed change of use of the existing 4-bed dwelling (C3) to form a house of multiple occupation (HMO) (Sui Generis) for up to 8 persons. No external alterations are proposed to the main building.
- 3.2 The proposal includes demolition of existing garage in the rear garden and formation of an access to the rear and creation of parking area in the front garden.
- 3.3 Full plans and associated documents for this application can be found at:

[F/YR23/0858/F | Change of use of 4-bed dwelling \(C3\) to form house of multiple occupation \(HMO\) \(Sui Generis\) for up to 8 persons involving demolition of existing garage and formation of an access. | 41 Queens Road Wisbech Cambridgeshire PE13 2PE \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

None Relevant

5 CONSULTATIONS

5.1 Parish Council (14.11.23)

Object: the committee expressed concern regarding the cumulative impact upon the town of Wisbech in terms of vehicle parking, caused by the continued granting of planning permission for residential accommodation which makes no provision for the on-site parking of vehicles. Wisbech Town Council is of the opinion that this matter should be taken into consideration by the Local Planning Authority when considering such development proposals.

Parish Council (22.01.24)

Object on the Over Development

5.2 Private Sector Housing Officer (14.11.23)

Inadequate ventilation to bedrooms 4/5 so will require mechanical extraction.

Private Sector Housing Officer (23.01.23)

Having reviewed the revised plans, I am satisfied they meet HMO Regulations and HHSRS standards.

5.3 CCC Highways (Original Scheme) (23.11.23)

On the basis of the information submitted, I have no objections in principle, however, the following points require attention to make the development acceptable in highway terms: The development includes provision of five car parking house for a house of multiple occupation for up to 12 residents. This seems to be an under provision with any surplus parking taking place on the public highway, noting that there are waiting restrictions along Queens Road (double

yellow lines) so additional parking would need to be remote from the dwelling. While inconvenient this is not unsafe, so it is not a reason for an objection on highway safety grounds, but I will defer consideration the quantum of parking provision to FDC as they set parking standards within the Local Plan. Three off-street parking spaces are proposed which are accessed from Queens Road. Provided frontage boundary features, if any, are restricted in height to no more than 600mm above footway level, this is acceptable in principle. However, the use of gravel surfacing is not, as it will lead to debris being dragged into the highway where it can be hazardous to other road users. The driveway must be surfaced in a bound material. The front driveway must also be drained so that it does not discharge private surface water onto the highway, noting permeable surfacing will not be considered an acceptable solution in isolation i.e., the driveway must be graded to fall back from the highway or a means of surface water drainage e.g., channel drain, installed at the back of footway and water disposed of within the site. Another two parking spaces are proposed via the rear accessed alleyway. As the proposals include the demolition of two garages, this would not represent any intensification of a sub-standard access onto King's Road and is therefore considered acceptable. If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations, possibly of refusal.

CCC Highways (18.01.24)

I note that current proposals are for eight residents and six car parking spaces, which is a better balance than the previous proposals. However, the LPA as the must still be satisfied parking aligns with Local Plan policy. As previously stated, the front driveway must also be drained so that it does not discharge private surface water onto the highway, noting permeable surfacing will not be considered an acceptable solution in isolation i.e., the driveway must be graded to fall back from the highway or a means of surface water drainage e.g., channel drain, installed at the back of footway and water disposed of within the site. While it is preferable to amend the current proposals, should they LPA prefer this can be addressed by the recommended conditions below. On balance, I do not object to the proposed development.

Conditions

Highway Drainage: The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.

Height of Enclosure: The height of any front boundary enclosure shall not at any time exceed 600 mm above existing ground level (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).

5.4 Environmental Health Officer (11.11. 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.

Environmental Health Officer (10.01.24)

The Environmental Health Team note and accept the latest submitted information and have 'No Objections' to the proposal.

5.5 Wisbech Society (20.11.23)

With this application bordering on the Wisbech Conservation Area, I have been asked to respond with objections to the application on behalf of the Wisbech Society.

- There are concerns over the number of residents proposed in this change of use. Although a large family home, the use as an HMO for 12 persons is considered overdevelopment, and the proposed facilities inadequate.*
- Increased traffic and the number of proposed residents will impact on neighbouring properties in this row of family dwellings.*
- The loss of a front garden to parking will have an impact on the character of this residential street of family houses with traditional gardens.*
- The use as an HMO and the addition of three parking spaces to the front is inappropriate to a property so near to a crossroads.*
- The addition of further parking spaces to the rear is also overdevelopment for the maintenance road, which is currently in poor repair and can have access issues for FDC refuse collection vehicles. Encouraging increased use of this road for access also raises safety concerns at the junction with King's Road, especially as there are many family dwellings in this area of Wisbech with children.*

Wisbech Society (15.01.24)

With reference to the amended application for Change of use of 4-bed dwelling (C3) to form house of multiple occupation (HMO) (Sui Generis) for up to 8 persons involving demolition of existing garage and formation of an access. at 41 Queens Road Wisbech Cambridgeshire PE13 2PE'

- Although the number of persons has been reduced, this is still felt to be overdevelopment of this property in this location, and the proposed facilities inadequate. The amendment does not address the major objections to an HMO in this location.*
- Any HMO use will impact on neighbouring properties in this row of family dwellings.*
- The loss of a front garden to parking will have an impact on the character of this residential street of family houses with traditional gardens.*
- The use as an HMO and the addition of three parking spaces to the front is inappropriate to a property so near to a crossroads.*
- The addition of further parking spaces to the rear is also overdevelopment for the maintenance road, which is currently in poor repair and can have access issues for FDC refuse collection vehicles. Encouraging increased use of this road for access also raises safety concerns at the junction with King's Road, especially as there are many family dwellings in this area of Wisbech with children.*

5.6 Councillor Samatha Hoy – *I don't support this application as it constitutes over development of the site.*

5.7 Councillor Steve Tierney- *I would like to record my objection to Application Ref: F/YR23/0858/F in Queens Road. Grounds: Overdevelopment, unsuitable location,*

unsuitable building, highways, bins. This is certainly not the right location for this sort of HMO.

5.8 Local Residents/Interested Parties - Objectors

49 total objections were received in total on original. 31 objections are from 11 addresses on Queens Road and surrounding areas. The comments were summarised as follow:

- HMO not suitable for the location
- Loss of family home
- Parking – lack of and increased on street parking
- Transient nature of accommodation
- anti-social behaviour/crime
- Noise
- Light pollution
- Visibility and access problems due to location of site on a bend
- Concerns regarding an increase in residents over that applied for
- Loss of residential amenity/privacy
- Concerns over safety, security and site management
- Discrepancies with the details submitted
- Refuse collection arrangements
- Does not provide adequate external amenity
- Limited public transport and therefore reliance of private vehicles

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. 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

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

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

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

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM2 – Natural Features and Landscaping Schemes

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

DM4 – Waste and Recycling Facilities

DM6 – Mitigating Against Harmful Effects

8 KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity**
- **Highways and parking**
- **Flood Risk**
- **Other matters**

9 BACKGROUND

Principle of Development

- 9.1 The application site is located within the settlement of Wisbech which is identified within the Settlement Hierarchy as a Primary Market Town. Where the majority of the District's growth is to be focussed.
- 9.2 The proposal would reuse an existing building, make effective use of land within a Primary Market Town and provide more affordable accommodation. It is likely that residents would utilise shops and facilities within the close vicinity and contributing to its sustainability. Moreover, the building will remain in residential use, and there are no policies that limit or oppose the presence of an HMO within the town of Wisbech and as such will be supported in principle (subject to all other policy considerations).

Design considerations and visual amenity of area

- 9.3 Policy LP16 of the Fenland Local Plan 2014 states that the proposal should have a positive impact on the character of the area, enhancing the local setting and ensuring the design or scale does not adversely impact the street scene or the local character.
- 9.4 The proposal would not alter the external appearance of the building, the proposed development would include internal alterations to facilitate the change of use, externally the building remains the same. Therefore, the proposal is not considered to create any adverse impact on visual amenity or the character of the area.
- 9.5 There are proposed works to create an access to the rear of the application site and hardstanding to the front for parking, although these works would not change the residential appearance of the application site as it would still be similar to other dwellings in the local area.

- 9.6 As such, the proposal would not result in an adverse impact on the visual amenity of the local character. The proposal is considered to comply with Policy LP16 (d) of the Fenland Local Plan 2014.

Residential Amenity

- 9.7 Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal.
- 9.8 In assessing the impact of the proposed development, whilst the proposed residential use lies within a predominantly residential area, the level of activity from this number of people, would be greater than that of a typical family dwelling such as those around the application site. However, the conversion of dwelling house to 6 person HIMO would not require planning permission and an additional two people living in the property is not considered likely to generate such an unacceptable impact to neighbouring occupiers to justify the refusal of planning permission.
- 9.9 Concerns regarding Anti-Social Behaviour are noted; however, these are not fundamentally a planning matter as any such impacts that arise are a result of individuals rather than the nature of the accommodation provided. Other controls are in place to monitor and take action against unacceptable behaviour and it is not appropriate therefore to attempt to control it through the planning system.
- 9.10 The Council's Environmental Health team has not raised any concerns about any potential noise mitigation to protect the external amenity of residents or to reduce the likelihood of unacceptable impacts on surrounding residents in relation to noise and disturbance.

Highways and parking

- 9.11 Policy LP15 of the Fenland Local Plan (2014) requires development to provide a well-designed, safe and convenient access for all, giving priority to the needs of pedestrians, cyclists, people with impaired mobility and users of public transport.
- 9.12 The Local Highways Authority have stated that they have no objection to the proposal, current proposals are for eight residents and six car parking spaces, which is a better balance than the previous proposals. As previously stated, the front driveway must also be drained so that it does not discharge private surface water onto the highway, noting permeable surfacing will not be considered an acceptable solution in isolation i.e., the driveway must be graded to fall back from the highway or a means of surface water drainage e.g., channel drain, installed at the back of footway and water disposed of within the site. While it is preferable to amend the current proposals, should they LPA prefer this can be addressed by the recommended conditions.
- 9.13 The revised design is considered to satisfactorily address the concerns raised by highways regarding the parking layout, and it is noted that they raised no objection to the principle of the proposal.

- 9.14 There are no parking standards for HMOs in the Fenland Local Plan. The submitted site plan details the proposal of 6 parking spaces on site, which is considered to be a reasonable level of provision for this scale of development, especially given the proximity to the town centre.
- 9.15 As such, the proposal will not be detrimental to road safety or result in undue loss of amenity to other road users. The proposal is considered to comply with Policy LP15 of the Fenland Local Plan.

Flood Risk

- 9.16 The application site falls within Flood Zone 3; however, the application property is a residential unit, and its floor levels are already raised above the existing ground by approximately 150mm and the proposed change of use would retain the residential use of the property.
- 9.17 Moreover, the site is not a functional plain and a site-specific flood risk assessment has been submitted, which identifies that the site is protected against the 1 in 200-year return period of protection. Furthermore, safe refuge areas are available at the first floor and second floor.
- 9.18 As such the proposal is considered to be appropriate development. Accordingly, there are no issues to address in respect of Policy LP14.

Other matters

Refuse details

- 9.19 Details of the refuse collection have been submitted that are deemed acceptable, namely a storage area within the site and a collection point adjacent to the highway. A condition has been recommended to implement the details that shall be retained on the site.

10 CONCLUSION

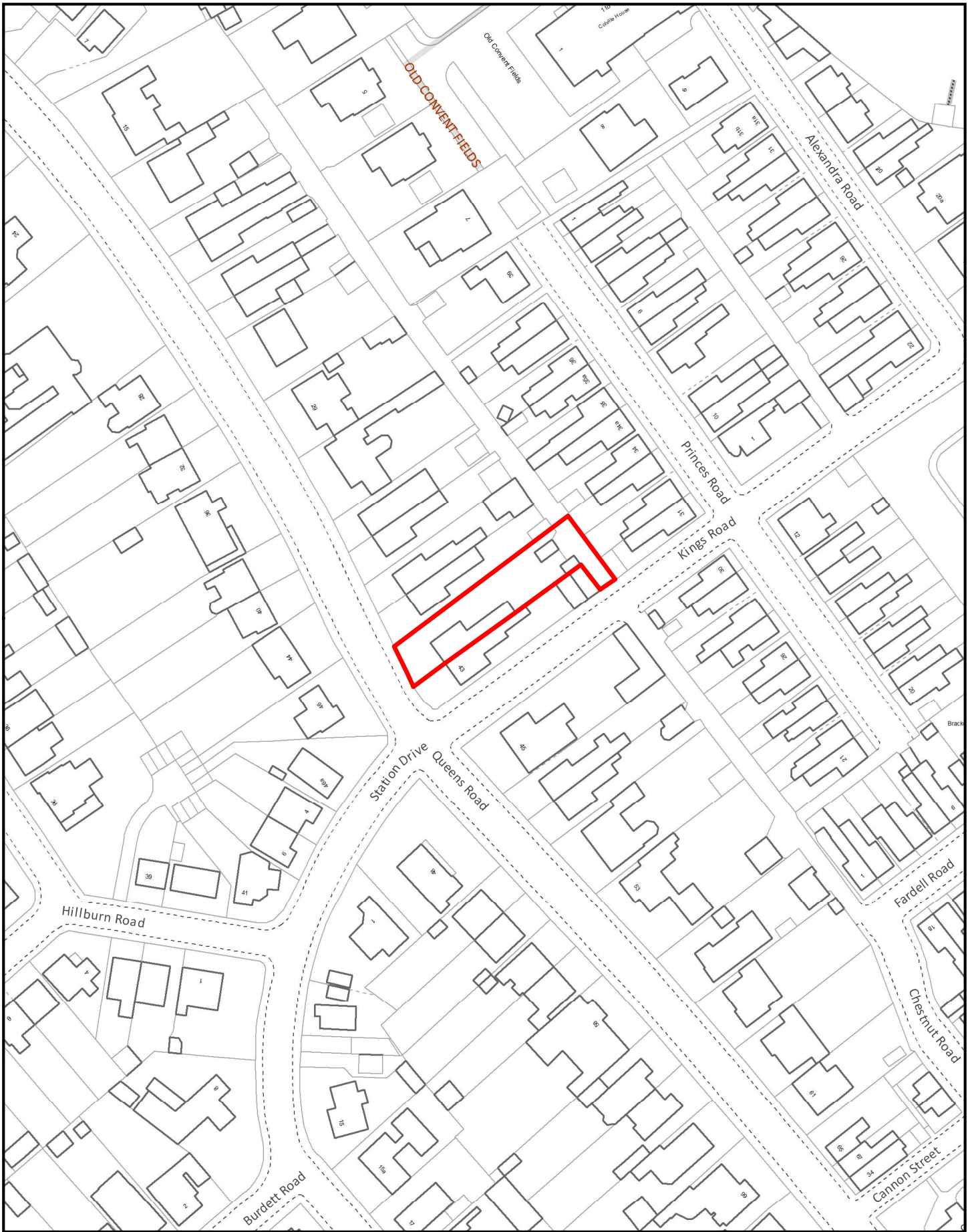
- 10.1 The proposal is for the change of use of an existing residential dwelling to a house in multiple occupation for up to 8 people. The residential nature of the site will not change, although that occupation would be by a number of unconnected individuals rather than a single family unit. The principle of the proposal is therefore in accordance with the relevant planning policies.
- 10.2 The proposal involves the provision of 6 parking spaces, and although this would be below the level of provision to allow for a single parking space per occupant, there are no adopted parking standards for HMO's. Given this, it is reasonable to conclude that car ownership would be lower amongst the residents of such properties than for more conventional means of residential occupation. The proximity of the building to the centre of the town of Wisbech would also contribute towards encouraging lower car ownership amongst its occupants. The proposed parking provision is therefore sufficient to ensure that refusal of the proposal on that basis would not be justified.
- 10.3 There is no justification for refusal of the proposal on the basis of an adverse impact on residential amenity as the specific impacts in this regard. The proposal would comply with the advice contained in the NPPF, NPPG and policies LP14, LP15 and LP16 of the Fenland Local Plan.

11 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 8 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 the refuse collection and storage areas shall be implemented in accordance with the agreed plans and 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>

4.	<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 in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
5.	<p>The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.</p> <p>Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.</p>
6.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p> <p>Reason - For the avoidance of doubt and in the interest of proper planning.</p>



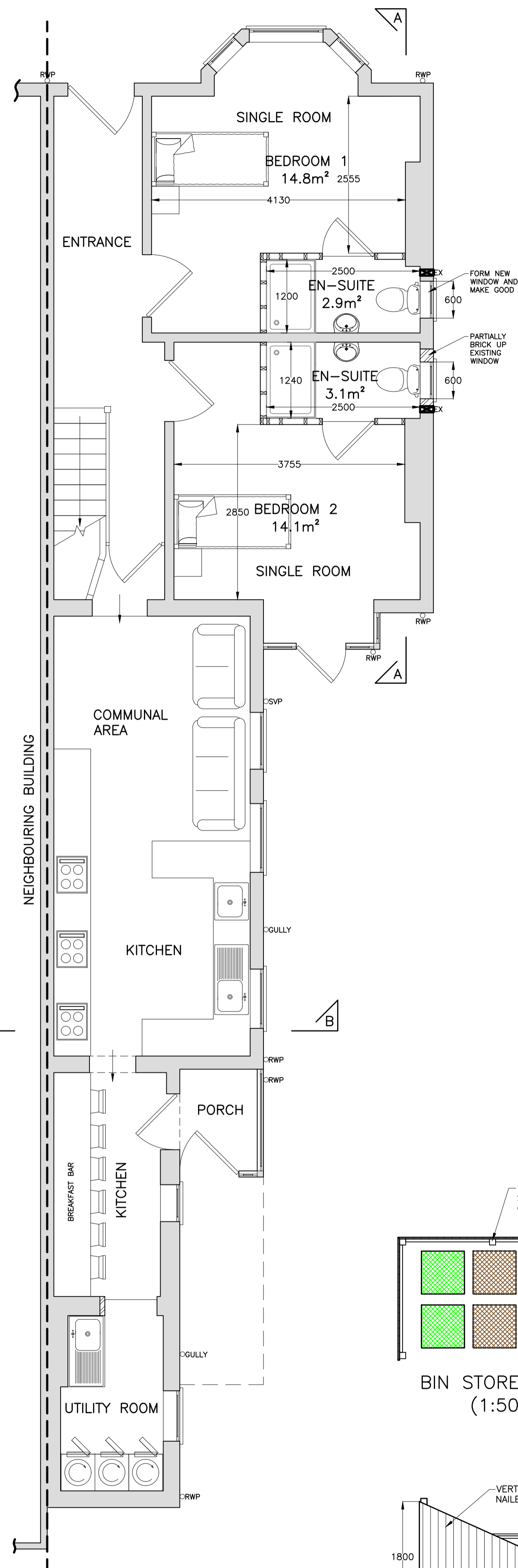
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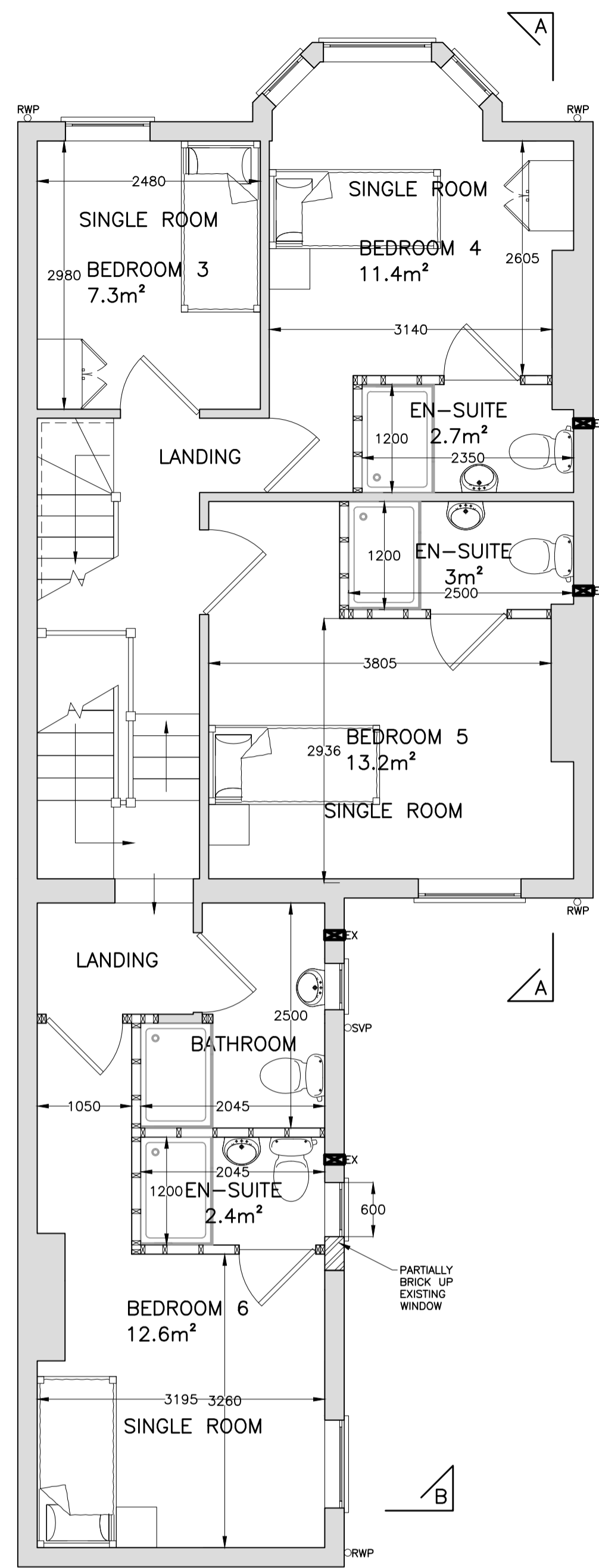
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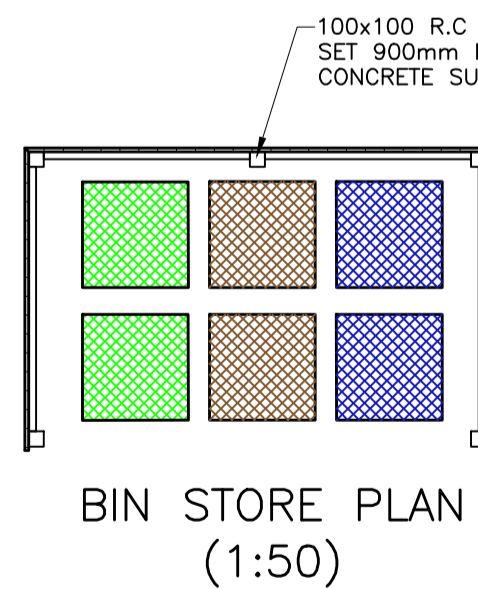




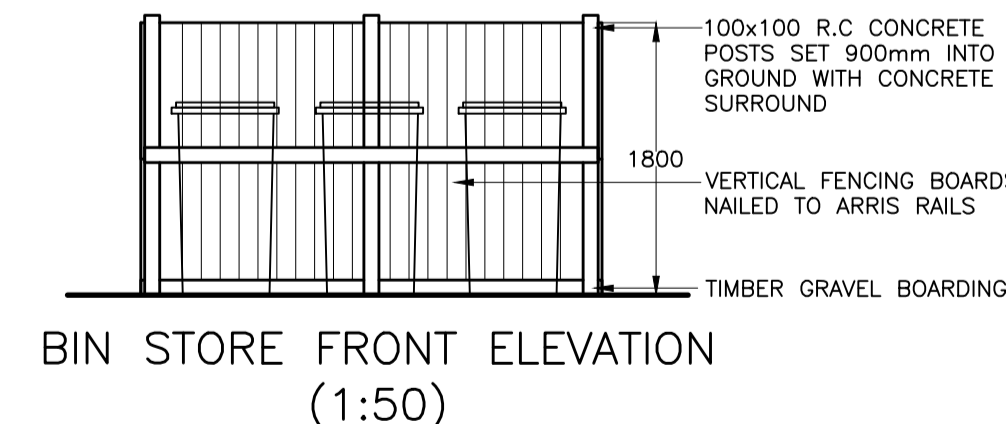
PROPOSED GROUND FLOOR PLAN (1:50)



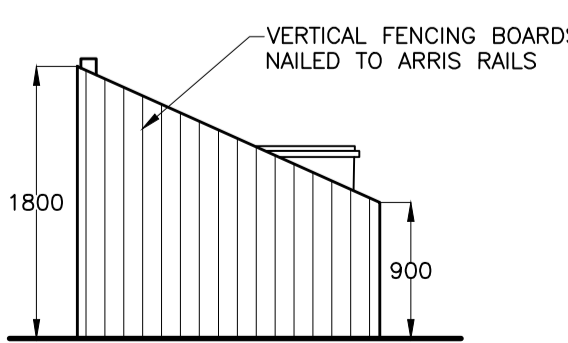
PROPOSED FIRST FLOOR PLAN (1:50)



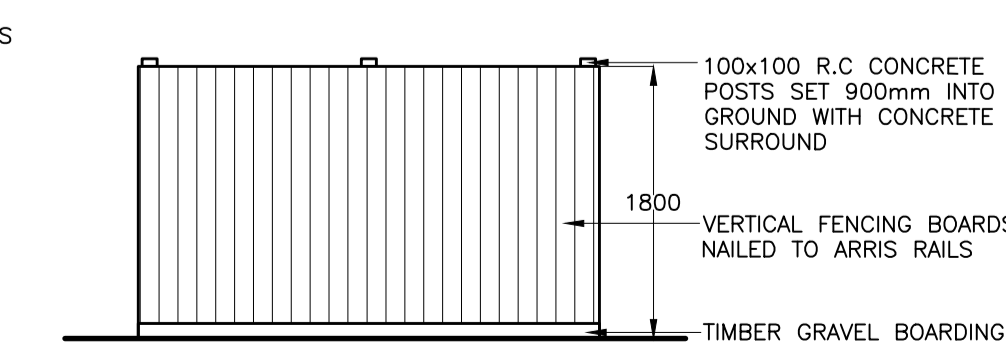
BIN STORE PLAN (1:50)



BIN STORE FRONT ELEVATION (1:50)



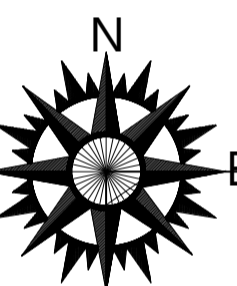
BIN STORE SIDE ELEVATION (1:50)



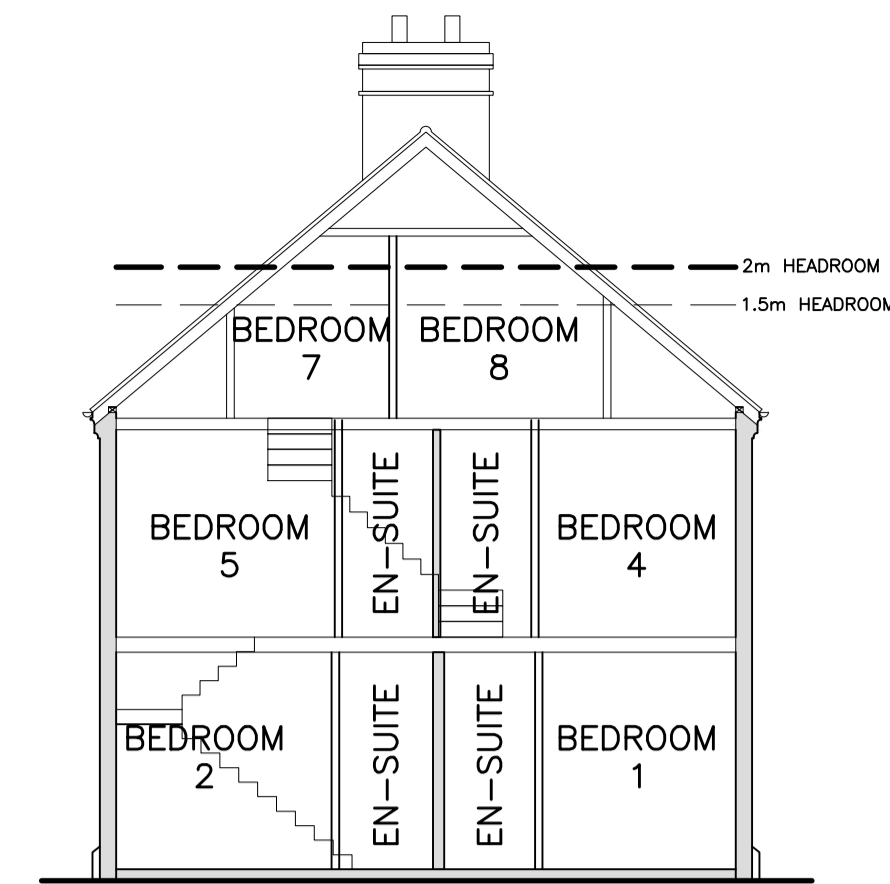
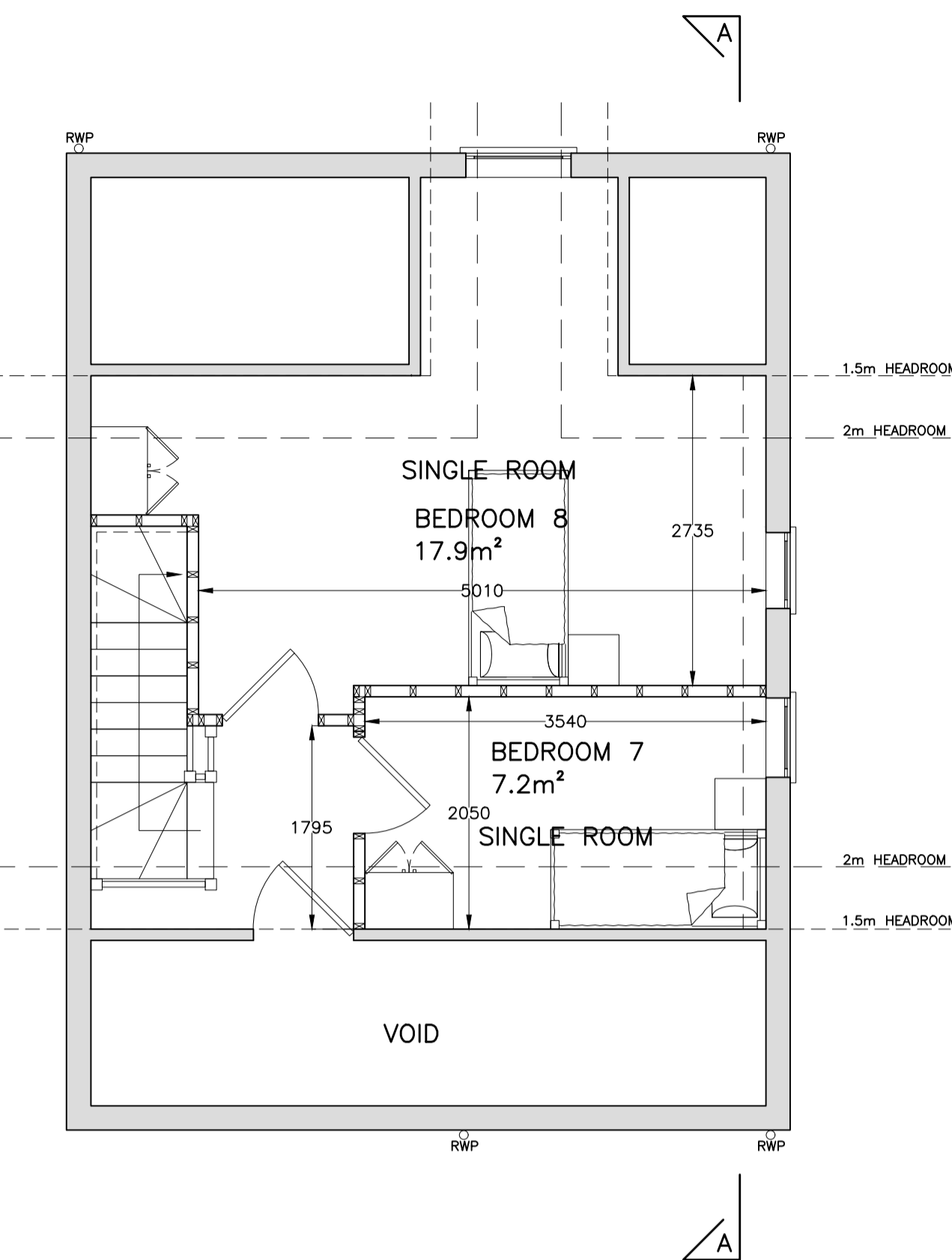
BIN STORE REAR ELEVATION (1:50)

LEGEND:

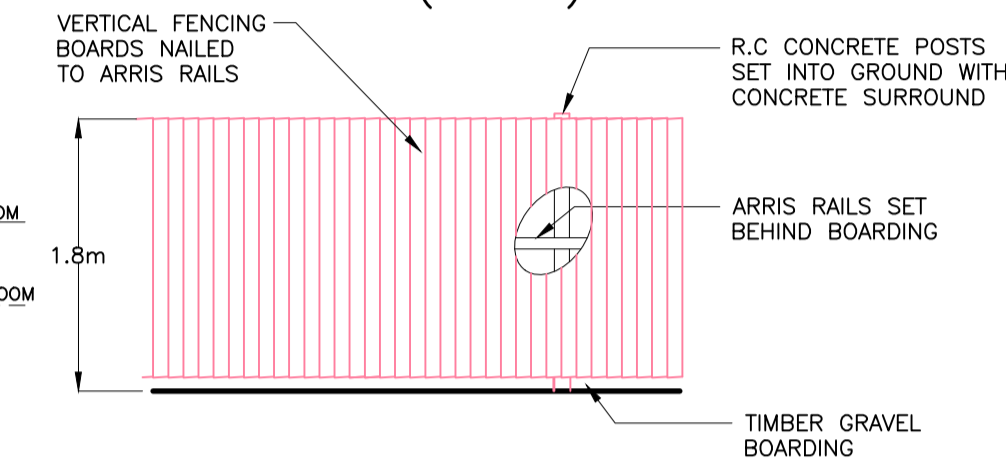
- EXISTING DWELLINGS
- PAVEMENT
- GRASS
- PERMEABLE BLOCK PAVING (NON SLIP)
- TARMAC
- GRAVEL
- SLAB PAVING
- WHEELIE BINS
- HEDGING
- VEGETATION



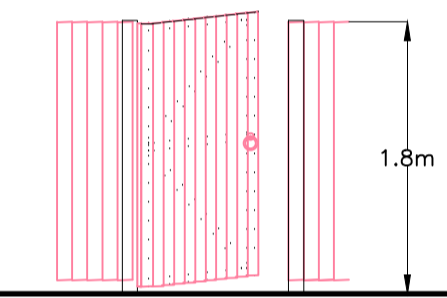
PROPOSED SECOND FLOOR PLAN (1:50)



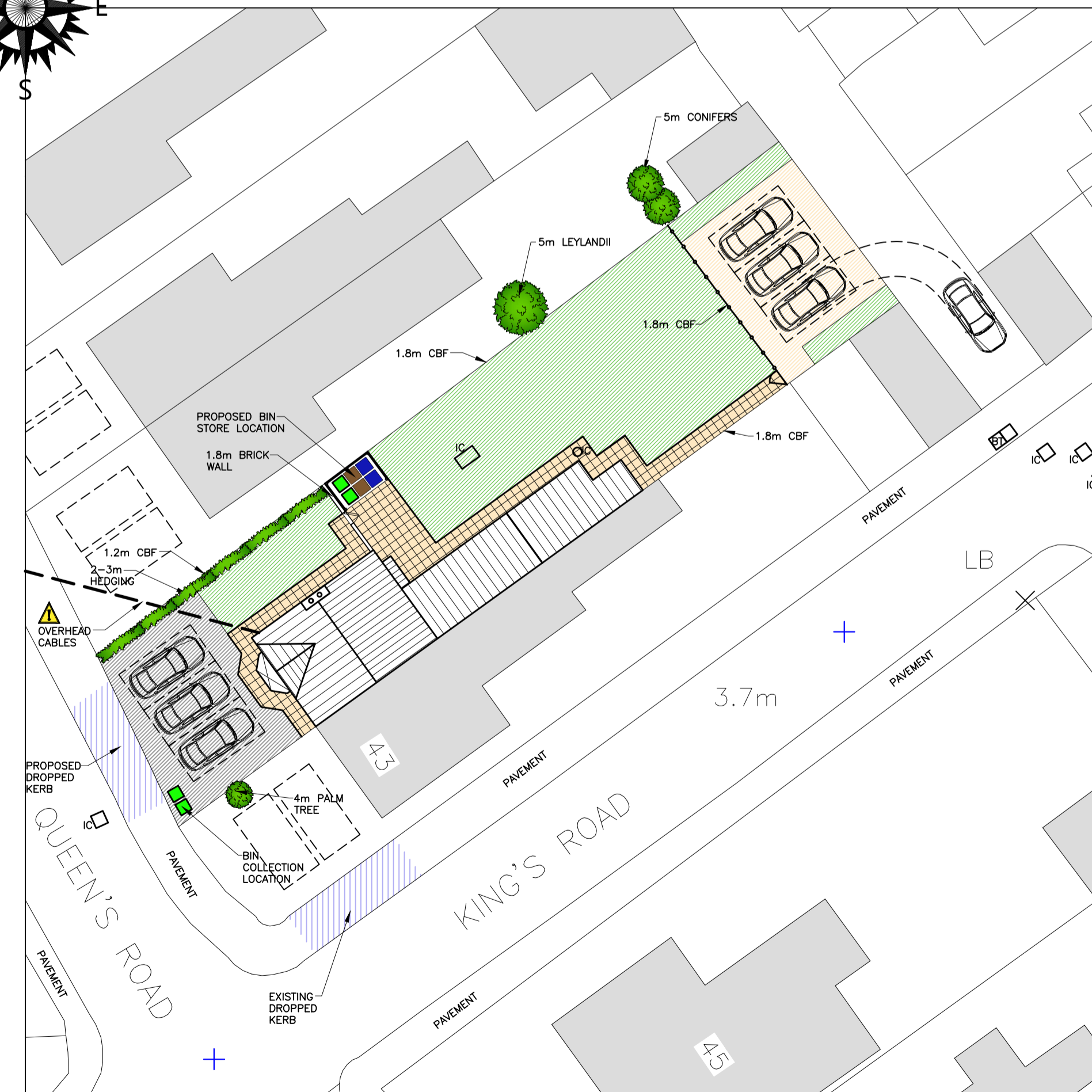
PROPOSED SECTION A-A (1:100)



1.8m CBF DETAIL (1:50)

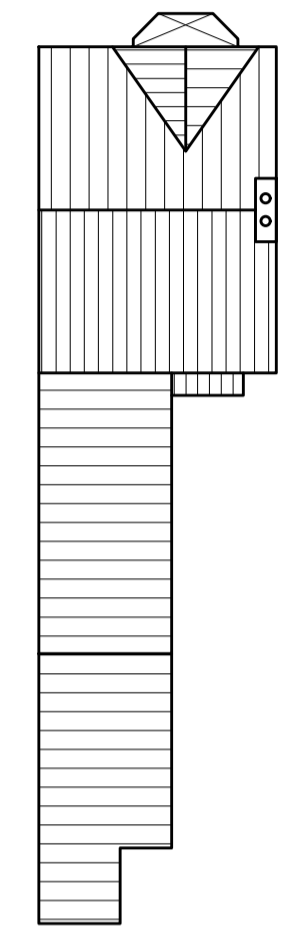


GATE DETAIL (1:50)



PROPOSED SITE PLAN (1:250)

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Please read, if in doubt ask. Change nothing without consulting the Engineers.
Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer
All finishes, insulation and damp-proofing to architect's details



PROPOSED ROOF PLAN (1:200)

PLANNING DRAWINGS ONLY

E	DRAWING UPDATED	JAN 2024
D	DRAWING UPDATED	DEC 2023
C	DRAWING UPDATED	NOV 2023
B	PLANNERS COMMENTS	OCT 2023
A	CLIENTS COMMENTS	SEP 2023

REVISIONS	DATE
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LABC Fenland District Council Building Design Awards
winner Building Excellence in Fenland

CLIENT: Barrett Properties

PROJECT: 41 Queens Road
Wisbech
Cambridgeshire
PE13 2PE

TITLE: Proposed Plans, Section & Bin Store Arrangement

DRAWN: G.Bohram	DATE OF ISSUE:
CHECKED:	
DATE: Sep 2023	DRAWING NUMBER: H9263/03 _E
SCALE: As Shown	