

Parish:	Emneth	
Proposal:	Proposed Change of Use from a Hotel to a Large HMO (Sui Generis)	
Location:	Elme Hall Hotel, 69 Elm High Road, Emneth, PE14 0DQ	
Applicant:	Mr D Conetta	
Case No:	21/01569/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 11 November 2021

Reason for Referral to Planning Committee – Referred by Assistant Director.

Neighbourhood Plan: No

Case Summary

The application seeks full planning consent for the change of use of the application site from a hotel to a House of Multiple Occupation (HMO) consisting of 26 rooms (with a maximum occupancy of 39 people) with 4 communal rooms including a lounge and a kitchen/diner on each floor.

The application site is 0.35ha and is part of a larger hotel site (approximately 1.2ha in total), the remainder of which will be retained as a hotel. The external form of the building will remain unchanged, although there will be changes to the site to accommodate the parking and area of amenity space.

The application site is located to the northeast of the A47, with access via the existing entrance off Elm High Road. The site is 1.3 miles to Wisbech town centre, and abuts the built extent of the town. However, it is located within the parish of Emneth and the site is within the development boundary for the village of Emneth as detailed on Inset Map G34 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Key Issues

- Principle of Development
- Highways / Access
- Form and Character
- Neighbour Amenity
- Residential Amenity and Site Management
- Loss of Employment Use
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning consent for the change of use of the application site from a hotel to a House of Multiple Occupation (HMO) consisting of 26 rooms (with a maximum occupancy of 39 people) with 4 communal rooms consisting of a lounge and a kitchen/diner on each floor.

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The application site currently offers 34 hotel bedrooms, with the neighbouring hotel building offering 8 bedrooms currently. The proposal is to make necessary changes to the internal layout of the building to provide for 26 HMO bedrooms; 13 of which would be double occupancy and 13 single occupancy. The adjacent hotel building would be retained in this use and continue to offer hotel accommodation.

SUPPORTING CASE

Following vast market research, our client identified this site as the best viable location for a HMO to house a employed persons and around Wisbech and its surrounding areas. There is a high number of establishments and businesses locally, including two high schools and a hospital, that relies upon a professional workforce- which has been transient, over a number of years. Property prices and availability of this type of accommodation is currently fuelling a gap in the market. Even the simplest web search brings nothing of this higher end multiple occupancy accommodation within miles.

The main building, Elme Hall, will remain as a hotel. However, as a whole, the site is no longer viable, primarily due to the loss of trade to the extensive expansion of the Premier Inn some 12 miles along the A47 , having claimed the 'contractor' business, which had originally given rise to the development of the annex, subject to this proposal. It is hoped that by removing the 34 room motel style rooms, the use of the hotel is enhanced. It is seen that, by taking away the motel style rooms, only a higher specification of room will be available for any visiting trade. It is envisaged that the occupancy will be split upon a 50/50 basis – thus meaning that 50% of the rooms will be single occupancy and the other 50% double occupancy. This will mean a total of 39 people when at 100% capacity. There are also a number of rooms that will be set aside as mobility friendly.

The management of the HMO will be carried out by a local ARLA licensed firm based within Wisbech. They are currently the leading independent agency based upon stock, Lets Agreed and void time frames, and pride themselves on bespoke and tailor-made services. They have over 60 years experience within the team and currently manage 5 HMO units within the area. Each tenancy will be a min of 6 months and relevant credit and identity checks will be carried out by the firm prior to occupancy.

Our client is fully committed to introducing a vast improvement to the whole site. This is evident in the 280m² amenity space that will be provided for the residents together with an overall clearing of the site. A third party landscaping firm will be employed to maintain grounds once works are complete and the management company will be responsible for carrying out regular inspections of these areas.

As well as the external areas, the management company will carry out weekly inspections of the internal areas. It is also proposed to furnish all communal areas with CCTV. This will reduce any anti social behaviour that may occur. A third party cleaning company will also be employed to carry out regular cleaning of these communal areas.

Whilst we are disappointed with the parish council's views, we have worked closely with the planning department to deliver a scheme that they are comfortable with and are pleased with their recommendation of approval. It is hoped that the board agree and we look forward to a positive outcome.

PLANNING HISTORY

2/98/1336/CU: Application Permitted – Committee decision: 15/12/98 - Change of use from office to 8 bed hotel - De-Regle Hall Elm High Road

2/00/0490/F: Application Permitted – Delegated decision: 17/08/00 - Erection of marquee from 1st May to 31st August inclusive each year to be used for functions (revised proposal) - Elme Hall Hotel

2/01/0549/A: Application Refused – Delegated decision: 05/06/01 - Erection of flag pole and non-illuminated banner - Elme Hall Hotel

2/03/2501/F: Application Permitted – Delegated decision: 30/11/04 - Construction of two storey block of motel rooms - 69 Elm High Road

2/03/2501/NMA_2: Application Permitted – Delegated decision: 11/10/10 - NON-MATERIAL AMENDMENT TO PLANNING CONSENT 2/03/2501/F: Construction of two storey block of motel rooms - Elme Hall Hotel

2/00/0079/A: Application Permitted – Delegated decision: 25/02/00 - Erection of flag pole and flag banner - Elme Hall Hotel

2/03/2501/NMA_1: Application Permitted – Delegated decision: 06/08/10 - NON-MATERIAL AMENDMENT FOR PLANNING CONSENT 2/03/2501/F: Construction of two storey block of motel rooms - Elme Hall Hotel

2/01/0989/F: Application Permitted – Delegated decision: 12/09/01 - Construction of ballroom - Elme Hall Hotel

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

Emneth Parish Council objects to this application on the grounds of unacceptable and incompatible use and would like their concerns noted regarding the suggestion of being able to rent 26 rooms to 39 young professionals in a house of multiple occupancy within the market town of Wisbech where there are limited professional job opportunities available in

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the locality for this type of clientele; it is felt that this is not only unachievable but unrealistic in the current climate.

Highways Authority: NO OBJECTION subject to condition

The traffic situation is unlikely to significantly alter as a consequence of the application being approved, given that the number of rooms would not alter. The car parking and cycle store proposals are acceptable. The cycle store should be conditioned.

Housing Standards: NO OBJECTION

Space Standards - Further to our previous consultation response:

In consideration of the attached document ('Room Schedule' - supplied as part of the application and detailing the proposed occupation of the property) – we are able to state that the proposal meets or exceeds our minimum requirements for bedroom sizes. An Informative should be attached to any consent highlighting the requirement for an HMO licence prior to occupation.

CSNN: NO OBJECTION subject to condition

Foul Drainage - The application form does not specify which form of foul drainage is to be used. There is a mains sewer in Elm Hall Road and as such foul drainage should be to the sewer. If the applicant is proposing another method of drainage this will need to be conditioned as below and a case for non connection to the main sewer made.

Noise - The concerns of WM Morrisons are noted in respect of their business activity. The move from hotel to permanent residential property does increase the likelihood of noise complaints being received. Therefore, the agent of change principle applies here and to date a noise assessment in respect of this application has not been submitted. This should be conditioned.

Norfolk Constabulary: NO OBJECTION

The new proposed location for the cycle store will allow opportunities for natural surveillance from active windows of the Communal Lounge/Multi Function Space on both the ground and first floor. The cycle store should be in accordance with Secured by Design principles.

Smaller developments containing up to and including 25 flats, apartments, bedsits or bedrooms should have a visitor door entry system and access control system. Tradesperson or timed release mechanisms are not permitted under any category as they have been proved to be the cause of anti-social behaviour and unlawful access to communal developments.

Secure Mail Delivery – although there is no mention of accommodating mail delivery facilities. SBD strongly recommends mail delivery via a secure external letter box meeting the specified requirements.

Norfolk Lead Local Flood Authority: NO COMMENTS

The County Council as Lead Local Flood Authority has no comments to make.

Wisbech Town Council: SUPPORT

Fenland District Council: OBJECTION

NB: Comments were received from FDC in Dec 2021, in response to original plans – the scheme has been amended and only the relevant remaining issues are detailed below. No further comments have been received to date.

The loss of hotel bedrooms will be detrimental to the tourism and business travel offer of Wisbech and the wider area and will harm the operators of tourist and associated services. In addition, the proposal will be likely to impact on the attractiveness of the remaining part of the hotel to tourist and business travellers and reduce the viability of business. The location of the bin store and bike store are detrimental to the street scene and should be relocated.

REPRESENTATIONS

ONE OBJECTION letter received stating that

- the scheme would cause additional congestion to the roundabout, where there are already existing capacity issues.
- Insufficient doctors, hospitals, schools.
- Changes to the road network were expected.
- This area was green belt, detrimental impact from the new development.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM4 - Houses in Multiple Occupation

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The issues for consideration of this application include-

Principle of Development
Highways / Access
Form and Character
Neighbour Amenity
Residential Amenity and Site Management
Loss of Employment Use
Other Material Considerations

Principle of Development

The application site is within the development boundary for Emneth as detailed on Inset Map G34 of the SADMPP. While the village of Emneth is designated a Key Rural Service Centre, the site itself does also abut the built extent of the town of Wisbech. The application seeks a change of use of an existing building from hotel use to a House in Multiple Occupation (HMO) and therefore, the physical building and parking area are existing. Policy DM2 states that development will be permitted within the development boundaries providing this is in accordance with the other policies of the Local Plan. Broadly speaking the principle of development is acceptable.

The change of use of the site does mean the loss of 34 hotel rooms, which is classed as an employment use, to a residential use. Therefore, consideration should also be given to Policy CS10 of the Core Strategy which seeks to-

‘...retain land or premises currently or last used for employment purposes unless it can be demonstrated that:

- continued use of the site for employment purposes is no longer viable, taking into account the site’s characteristics, quality of buildings, and existing or potential market demand; or.....
- an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council’s regeneration agenda.’

The applicant has supplied the marketing information for the application site. This states that the hotel has been marketed for sale as a hotel since March 2020. The reason for sale is primarily due to a change in personal circumstances of the owner. In addition, the Covid pandemic has severely impacted the business and net turnover has decreased from £680,000 (year end April 2019) to £526,000 (year end April 202) to £135,000 (year end 2021).

The site has been marketed to a broad range of buyers; including those who acquire hotels for alternative employment uses such as care homes. However there has been no serious interest forthcoming on this basis. Colliers (the agent) has received multiple offers from a broad range of buyers. The highest offers (by some margin) have been submitted from those seeking to redevelop the property for an alternative use such as HMO (as per the current applicant). Bids which retain the hotel use have been much lower reflecting the market conditions, the costs, risk, and time of ‘rebooting’ the business and concerns about increased competition given that planning permission has been granted for a new, nearby budget hotel. The marketing information states that the owner wishes to optimise the sale price and sell before having to close the business and leave Elme Hall as an empty, unused building.

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The applicant therefore states that the current use, with the current number of bedrooms is not viable. The intention of the applicant is to retain the main building as a hotel and convert the lodge building to an HMO. This change of use will then enable the applicant to then invest back into the hotel. Therefore, while there is a reduction in the amount of employment land, the planning application would not result in the complete loss of the employment use.

The applicant has also provided information that the business currently operates with skeleton staff only (four members of staff, one of which is the owner and two are part time). Elme Hall is currently operated as a B&B only following the impact of the pandemic.

It is proposed that the HMO will require the employment of staff for the cleaning, caretaking and management of the building, likely to be one full time caretaker and 2 part time cleaning roles. This is in addition to the staff required for the operation of the hotel building next door, once this is fully open again as the applicant intends.

Policy DM4 of the SADMPP (2016) states that the conversion of existing dwellings/ new development for HMOs may be permitted where:

- there is no adverse impact on the amenity of existing and new residents and the historic and natural environment; and
- the development and associated facilities can be provided without significant detriment to the occupiers of adjoining or neighbouring properties; and
- the site is within reasonable distances to facilities, public open space, supporting services and local employment.

Neighbour and residential amenity is discussed below, as is the impact of the development on the form and character of the locality. The applicant has shown on the submitted plans that the development and associated facilities can be sufficiently provided for within the site boundaries. The site is adjacent to Wisbech with a range of facilities, services and employment provision.

Therefore, the applicant has sought to provide evidence that the hotel in its current form is not viable, and states that by changing the use of one of these buildings to an HMO this would create minimal employment, but would also seek to support the reopening of the main hotel building to protect this employment use. Furthermore, based on the information submitted the application does meet the policy requirements for HMOs. On balance it is considered that the scheme is in accordance with Policy CS10 of the CS (2011), and is fully in accordance with Policy DM4 of the SADMPP (2016).

Highways / Access

Concerns were raised by a neighbouring resident that the scheme would generate additional traffic which would exacerbate existing congestion on the Elm High Road and roundabout. The application seeks to continue to utilise the existing access to the site, via the Elm High Road. The 34 hotel bedrooms are proposed to be replaced by 26 residential bedrooms and the Local Highway Authority has no objections to this proposal, given the building already has as existing use as accommodation. The proposed parking area will remain as is, a gravel car parking area and the scheme will also provide a secure cycle storage building for residents. Access to the hotel is via the existing vehicular route to the north of the HMO building. The proposed development is in accordance with the NPPF, Policy CS11 of the CS (2011) and Policy DM15 of the SADMPP (2016).

Form and Character

There will be minimal changes to the application site as a result of the development proposed. The physical appearance of the building will remain unchanged, as will the parking area, and the existing boundary treatments are to be retained. The scheme does include an area of amenity space for residents which is to be located to the south of the building and this will enhance the appearance of the site from the public highway.

The 280 square metres of managed garden space will include benches, picnic tables and a timber gazebo. Planting and ground finishes will also be provided to improve the outside spaces. The landscaping details proposed will be conditioned accordingly, alongside a condition requiring further information to be submitted and agreed to confirm the planting scheme. In addition, six of the ground floor rooms facing onto the north elevation will include a small area of private amenity space which will also provide some privacy from passing hotel guests using the adjacent access. It is proposed on the plans that a 900mm wall is constructed along the northern elevation of the building to demarcate the private space, and this walling is proposed to then follow round along much of the eastern boundary. Notwithstanding the details shown on the submitted plans details of the wall should be submitted and agreed by the LPA to ensure the appearance and suitability of this is acceptable for residential amenity.

Fenland District Council raise concerns that the location of the bin store and cycle store will be detrimental to the street scene. The cycle store is some way away from the existing access and will have a minimal impact on the street scene. The applicant is proposing additional planting alongside the western boundary to screen the bin store from the public highway. It is considered that the proposed site layout is acceptable.

The proposal is in accordance with Policy CS08 of the CS (2011) and CS15 of the SADMPP (2016).

Neighbour Amenity

The development is neighboured by an existing retail development and car park to the north, the associated hotel to the east, and then the A47 to the south and Elm High Road to the west. There are no immediate residential neighbours, the closest being the dwellings approximately 35m away on the other side of Elm High Road, and it is not considered the change of use would have a detrimental impact on the neighbour amenity of these residents.

Residential Amenity and Site Management

Concerns are raised by Emneth Parish Council to the proposal on the basis that the scheme would be an unacceptable and incompatible use. The Parish Council question the ability of the owner to rent this type of accommodation out. Furthermore, queries have been raised regarding the ongoing management and maintenance of the site.

The building is already used for holiday accommodation, and it is not considered that the change of use to an HMO is incompatible with the application site itself or in the wider context of the neighbouring hotel. The applicant has stated that it is their intention to run these two uses alongside each other.

In terms of the management of the site, the applicant has confirmed the property will be closely managed by a local ARLA qualified property Manager, and a local company will be used for regular cleaning and grounds maintenance. The waste will be stored in large wheeled bins (1100L) for general waste and recyclable waste and will be stored within a specific timber fenced area (identified on the plan). The applicant also makes the point that

the appearance and management of the HMO site would directly impact upon the success of the neighbouring hotel, and therefore they would maintain a quality environment.

As a large HMO, the applicant/ owner of the site will be required to secure an HMO licence from the Borough Council prior to the occupation of the building. As part of the licence application the Council considers whether the owner/ manager is fit and proper to manage the accommodation and requires management details, waste management, safety certificates (which are monitored) etc. The licence is then granted for a fixed period of time, and then the accommodation is monitored, likely on an annual basis. The Council has powers to take enforcement action if the accommodation is not maintained/ managed to an appropriate standard. Housing Standards has considered the accommodation proposed, alongside the proposed occupancy and these are considered acceptable.

In terms of the amenity of the proposed residents; a Morrisons store is located to the north of the application site, and the company has raised concerns about the change of use to residential accommodation given the fact that the neighbouring business does not have any restrictions on trading/ delivery times. Reference is made to paragraph 187 of the NPPF which states that 'existing businesses should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including change of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development is completed.' CSNN has requested that prior to the occupation of the development a Noise Assessment is to be submitted to and agreed by the LPA. Also, that any mitigation measures recommended as part of the Noise Assessment are implemented/ constructed prior to occupation of the HMO.

CSNN also queried the foul drainage arrangements on the site, but the agent has confirmed that the foul drainage will continue to be discharged to the main foul sewer, as is currently the case. This is acceptable.

The development is considered acceptable in terms of residential amenity in line with policies CS08 of the CS (2011) and DM15 of the SADMPP (2016).

Other Material Considerations

Tourism impact – Fenland District Council were consulted on the application given its close proximity to the town of Wisbech. FDC has stated that the loss of the bedroom accommodation will be detrimental to the tourism/ business offer of Wisbech and will harm other tourist and associated services in the town. While these concerns are noted the applicant has provided evidence of the fall in turnover in recent years. Furthermore, the applicant intends to retain the use of the adjacent hotel building for visitor accommodation and the HMO use adjacent will support/ work in conjunction with the tourist offer of the hotel. The applicant does not share the view of FDC that the use of the building as an HMO will detract from the attractiveness of the hotel, given the application site will be well managed.

Secured by Design – The comments received from Norfolk Constabulary have been addressed where possible with the secure cycle storage. The door entry systems and mail arrangements are not for consideration as part of this application.

Representations – Neighbouring residents raised the issue that there are insufficient local services in the town for additional homes eg; doctors, dentists etc. However, the application site is in a sustainable location on the edge of the town and is easily accessible to local services. The scale and nature of development proposed does not generate the requirement for a Community Infrastructure Levy payment.

A second comment made was about the fact that the site was a greenfield site and the ongoing development in this locality is having a detrimental impact. While the point is noted, this application is to change of the use of an existing building.

CONCLUSION

The application seeks consent for the change of use of an existing hotel to a large HMO, which meets the policy requirements of Policy DM4 of the SADMPP. The applicant has clarified that the adjacent hotel building to the east of the application site would be retained in hotel use and remain in the same ownership as the HMO.

Concerns raised include that the proposed development is unacceptable and incompatible, with queries regarding the likely success of the development, as well as the ongoing management of the site. The applicant has provided information regarding the proposed management and maintenance of the application site. This is alongside the fact that the development would require an HMO licence and the site would be monitored accordingly by the Borough Council. The applicant has also supplied information showing recent turnover of the existing business, and the marketing history of the site, to illustrate the viability of the retaining the site as a whole for hotel accommodation.

Fenland District Council raise concerns that the loss of hotel accommodation would impact upon the tourism offer of the town of Wisbech and may impact on other local tourism businesses. While the proposal would mean the loss of 34 hotel bedrooms, the applicant has stated the development would support the retention of some hotel accommodation in the adjacent building. While the loss of the hotel rooms would equate to a loss of employment land, there are only small numbers of staff currently employed and the HMO will also require a small number of staff. In addition the scheme will help to financially support the re-opening of the hotel building adjacent which would also generate additional employment (and would be retained as an employment use).

There will be minimal changes to the physical appearance of the site aside from the area of open space which will enhance the site, and the entrance to the town.

In summary the development is in accordance with the NPPF, Policies CS08, CS10 and CS11 (of the CS 2011), and Policies DM4, DM15 and DM17 (of the SADMPP 2016) and as such the officer recommendation is that of approval.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos- 224-01 Existing Floor Plans, Site Plan and Location Plan received 10 Aug 2021, 224-02B Proposed Floor Plans received 8 Dec 2021 and 224-03C Existing and Proposed Site Plans received 22 Apr 2022).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.

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- 3 Condition: Prior to the first occupation of the development hereby permitted the on-site cycle parking shall be constructed in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason: To ensure the permanent availability of the parking areas, in the interests of satisfactory development and highway safety.
- 4 Condition: Prior to the first use or occupation of the development hereby approved, full details of the soft landscape works including planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate shall have been submitted to and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 5 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 5 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 6 Condition: Notwithstanding the details shown on the approved plan, prior to occupation of the building, full details of the boundary wall proposed along the north elevation of the building and the eastern boundary of the site, shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the building or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and retained in perpetuity.
- 6 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 7 Condition: Prior to the occupation of the building a scheme to protect the development from noise associated with the trading estate to the north shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use and retained in perpetuity.
- 7 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.