

Parish:	Emneth	
Proposal:	Retrospective application, conversion of guesthouse to H.M.O.	
Location:	85 Elm High Road Emneth Wisbech Norfolk PE14 0DH	
Applicant:	Mr Chris Dawson	
Case No:	22/00875/CU (Change of Use Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 5 August 2022 Extension of Time Expiry Date: 13 January 2023

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the officer recommendation and at the instruction of the Planning Committee Sifting Panel on 03 August 2022.

Neighbourhood Plan: No

Case Summary

The application seeks retrospective planning consent for the change of use of the former Westfields Guesthouse now operating as Tudor House, from a guesthouse to a House in Multiple Occupation (HMO) consisting of 9 bedrooms (with 6 no. en-suite and 3 smaller bedrooms sharing a bathroom) with communal kitchen and dining room.

The application site is approximately 0.06ha and is part of a larger site (approximately 0.27ha in total), the remainder of which contains a redundant restaurant and storage buildings. This building/No.85 will remain physically unaltered by this proposal.

The application site is located on the south-eastern quadrant of the A47/Elm High Road roundabout junction, with access via the existing entrance off Elm High Road. The site is approx. 2km to Wisbech town centre and close to 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).

The site plan shows 9 no. parking spaces plus a space for a cycle store and bin storage.

Key Issues

- Principle of Development
- Impact on Tourism
- Highways / Access
- Form and Character
- Neighbour Amenity
- Residential Amenity and Site Management
- Loss of Employment Use

Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

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SUPPORTING CASE

The agent has submitted the following statement in support of this application:

“The property, previously hotel/guesthouse, has been operating in the region of 18 months. The change of use came about, in part due to irregular occupancy and the demand for long-stay accommodation – naturally it was necessary to take a business view on this. Covid exacerbated the situation, and served to identify that H.M.O. accommodation was both desperately needed, and would ensure the survival of the business.

In seeking to licence the operation, the owner discovered that this would not be possible without having first received planning permission, hence this application comes forwards.

During the period of operation there have been no complaints, in respect of noise or otherwise. Concerns raised by CSNN have been addressed, and attention is brought to the Consultee Response of Fenland District Council, which includes ‘In principle it is not considered that the change of use from a guest house to a HMO at 85 Elm High Road, Emneth, Wisbech would result in any significant additional impacts over and above the use of the premises as a guesthouse.... Fenland District Council would not seek to raise an objection to the scheme.

With regards to the aspects raised by the Parish Council, the matter of loss of tourism has been examined and addressed very recently, as part of the approval of 22/01014/F Elme Hall Hotel, proposed change of use from hotel (C1) to large HMO (Sui Generis).

In broader terms of operational use, Norfolk County Council Highways Consultee Response confirmed the view of F.D.C, in that future use of the site would concur with historic, under this application.

Where this application significantly differs from Elme Hall however, is that it has a proven track record of secure, problem-free operation, and in that it is currently home to a number of persons; failure to secure permission would result in an inability to licence, and doubtless subsequent closure, with residents thus rendered homeless.”

PLANNING HISTORY

2/99/0886/CU: Application Refused: 07/09/99 - Continued use of guest house and restaurant (Committee decision)

2/99/1388/CU: Application Permitted: 23/03/00 - Continued use as guest house and restaurant (Delegated decision)

2/01/1764/CU: Application Permitted: 22/07/03 - Retention of bar area managers detached accommodation and residential mobile home (revised proposal) (Committee decision)

05/02317/F: Application Refused: 22/12/05 - Retention of extension to club room and repositioning of 10 car parking spaces (Delegated decision)

06/00758/F: Application Permitted: 17/05/06 - Retention of extension to club room, repositioning of 10 car parking spaces and extension to traffic island on A1101 (Delegated decision)

08/02508/F: Application Withdrawn: 27/11/08 - Construction of building to provide function room and ancillary buildings (Delegated decision)

09/00674/F: Application Permitted: 29/06/09 - Retrospective application - Retention of shed (Delegated decision)

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

Emneth Parish Council OBJECTS to this application based on loss of tourism to the area i.e. a loss of Bed & Breakfast trade.

Highways Authority: NO OBJECTION - Such a use applied for is likely to result in a similar traffic generation the existing class use titled and as a result I would not seek to restrict the grant of permission.

Environmental Health & Housing – CSNN: NO OBJECTION – Subject to conditions relating to sound insulation and noise attenuation plus an informative note relating to the Environmental Protection Act 1990.

Fenland District Council: NO OBJECTION

Housing Standards: NO OBJECTION comments regarding room sizes and internal layout issues with regards to licensing requirements.

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REPRESENTATIONS

None received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

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)

PLANNING CONSIDERATIONS

The issues for consideration of this application include-

Principle of Development

Impact on Tourism

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,

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the site itself lies close to the built extent of the town of Wisbech. The application seeks to regularise a change of use of a guesthouse 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 9 guesthouse 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.’

It is indicated that this HMO will require the employment of staff for the cleaning, caretaking and management of the building (i.e. 2 part-time posts). This is the same level of employment which applied to the guesthouse, so there is no net loss in employment and no impact upon Policy CS10.

This application has come about by virtue of the applicant seeking a licence from the Council to operate as an HMO.

It has evidently been used for this purpose for some 18 months but without the benefit of planning permission.

The agent informs that The Stables restaurant closed during the pandemic and has not re-opened.

The impact created by the pandemic upon the tourism sector has been demonstrated in association with a most recent application at the Elme Hall Hotel site on the northern quadrant of the roundabout (application ref: 22/01014/F). That application related to accommodation allied to the main hotel and was granted permission by the Planning Committee on 18 November 2022 for a 26 bedroomed (large) HMO. This current application is on a much-reduced scale in comparison to the Elme Hall Hotel proposal.

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 agent 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.

Based on the information submitted, the application does meet the policy requirements for HMOs. 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).

Impact on Tourism

The application is silent on the impact upon tourism but the agent states:

“With regards to the aspects raised by the Parish Council, the matter of loss of tourism has been examined and addressed very recently, as part of the approval of 22/01014/F Elme Hall Hotel, proposed change of use from hotel (C1) to large HMO (Sui Generis).”

Based on recent information provided by the applicant for the Elme Hall Hotel proposal, it was accepted that tourism in West Norfolk is declining, and within Wisbech even further. Comparing 2021 visitor figures with pre-pandemic levels there was a 25% reduction in overnight trips and a 29% reduction in overnight trip value. These figures are lower than those anticipated in CS10 of the CS.

Internet searches show that there is still a good supply of alternative accommodation within the locality. Holiday accommodation has however diversified with alternative forms of accommodation such as glamping, house rentals etc.

Whilst certain similarities can be drawn, each application is however considered on its own merits. This proposal is obviously on a much-reduced scale compared to the Elme Hall Hotel scheme and it can be concluded that the loss of effectively 9 no. bedrooms would create minimal impact on tourism. The proposal to create a different form of accommodation would comply with the NPPF and not conflict with Policy CS10 of the Local Plan.

Indeed the premises has operated as such for some 18 months without any obvious impact.

Highways/Access

The existing access off Elme High Road is proposed to be used to serve the HMO. The site plan shows 9 no. parking spaces (1 space per bedroom) plus space for a cycle store dedicated to serving the accommodation. There is surplus parking on the remainder of the site which served the former restaurant (now closed and is under different ownership).

The Local Highway Authority has no objection to the proposal as the current and former uses were similar in terms of traffic movements and parking requirements. 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 physical changes to the application site as a result of the development/change of use proposed. The physical appearance of the building will remain unchanged, as will the parking area (save for the addition of a cycle store). There is a seating area to the west of the access point and space within the remainder of the overall site if required to serve the needs of residents/guests.

The applicant who runs these premises lives in the adjoining dwelling (No.87 Elm High Road/Westfield Cottage) and the website indicates that guests are allowed to use a swimming pool and bar in the rear of that property.

The proposal is in accordance with Policy CS08 of the CS (2011) and DM15 of the SADMPP (2016).

Neighbour Amenity

The development is side on to the A47 with frontage onto Elm High Road/A1101, and is neighboured by No.87/Westfield Cottage to the SE with further residences beyond. The rear of the application site adjoins the former restaurant and storage buildings with dwellings on Elmfield Drive beyond some 50m+ away to the east.

Whilst the site did historically have issues regarding nuisance and disturbance, the Council is not aware of any formal complaints since it has been operated in this current use. Had there been problems over the last 18 months this would have come to the attention of our CSNN team. It will be noted that this has not been raised by our colleagues in consultation response. There have also been no items of correspondence from neighbours in response to consultation.

The applicant effectively resides on site and is directly involved in monitoring and controlling the premises.

It is not therefore considered that the change of use would have a significant detrimental impact on the neighbour amenity of adjoining residents, and accords with Policies DM4 & DM15 of the SADMPP.

Residential Amenity and Site Management

CSNN in response to consultation have raised generic comments regarding behavioural issues and recommends that the applicant has robust tenancy agreements drawn up, clearly outlining how tenants, their families and their visitors should behave to reduce the likelihood of such occurrences.

A sound insulation condition for internal measures (to prevent doors slamming/banging etc.) is recommended and a scheme to protect occupiers from road traffic noise. However this would fail the tests applied to use of conditions as being unreasonable, unenforceable going forward and covered by different legislation (Environmental Protection Act 1990) plus licencing.

Concerns are raised by Emneth Parish Council on the basis that the scheme would be an unacceptable use.

The building was previously 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 locality.

In terms of the management of the site, the applicant/owner of the site will be required to secure an HMO licence from the Borough Council. 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 have commented on room sizes (measured and comply with minimum standards) and layout which may require some internal alterations not needing planning consent. Licensing will also define the number of residents that the premises can accommodate.

In terms of the amenity of the proposed residents, a Morrisons store is located in the Peel Centre to the north-west of the application site approx. 350m away, a restaurant/takeaway (China Rose) is located some 330m to the SE on Elm High Road plus The Elm Tree Inn (PH) on Low Road, some 300m away. Wisbech town centre is approx. 2km away and Emneth village approx. 2.6km away. Elm High Road is an arterial route into Wisbech and there is a regular bus service into town. It is therefore considered to be a sustainable location with ample services and facilities to meet the needs of prospective residents.

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

No objections have been received from technical consultees.

CONCLUSION

The application seeks retrospective consent for the change of use of a former guesthouse to a small HMO, which meets the policy requirements of Policy DM4 of the SADMPP.

Concerns have been raised by the Parish Council regarding the loss of B&B/tourism accommodation. However, given the effective small-scale loss of tourism accommodation proposed (9no. bedrooms) and the existing level of accommodation in and around Wisbech, it is considered that it would have a minimal impact.

Wisbech Town Council and Fenland District Council do not object to the proposal.

There will be minimal changes to the physical appearance of the site from public vantage points. Operationally the facility would be controlled via licensing through Environmental Health legislation.

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 carried out in accordance with the following approved plans: 254-01 B & 254-02 C.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Condition: The parking spaces indicated on the approved plans (Dwg no. 254-02 C) shall be made available for the use of the residents of this House in Multiple Occupancy hereby approved only and shall remain available solely for that use hereafter.
- 2 Reason: To ensure that adequate parking is provided to serve the intended residents and to accord with Policies DM15 and DM17 of the SADMPP (2016).
3. Condition: Notwithstanding the submitted plans, within 3 months of the date of this permission, a cycle store (the details of which shall have been submitted to, and agreed in writing by, the Local Planning Authority) shall be erected on site and thereafter retained and maintained.
- 3 Reason: In order to secure appropriate cycle storage facilities to serve the intended residents and to accord with Policies DM15 & DM17 of the SADMPP (2016).