

Application Ref: 15/01292/FUL

Proposal: Conversion to HMO providing 12 bedsitting rooms

Site: St Theresa's House, Manor House Street, Peterborough, PE1 2TL
Applicant: Property Line Limited

Agent: Paul Sharman
 Sharman Architecture

Referred by: **Cllr Nadeem**
Reason: **Public interest shown in the application.**

Site visit: 20.08.2015

Case officer: Mr M A Thomson
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Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site Description

The application site is situated within the Park Conservation Area on a residential street. It comprises a locally listed former Victorian school which has a large flat roof extension to the side and rear. To the west is No. 17 Manor House Street which is occupied as offices over both floors and No.11 to the east is a residential property; both of which are owned by the Applicant. The site has off-street parking to the rear for 10 spaces, which is shared with No. 17 Manor House Street.

History

The site has had a number of uses which included a homeless shelter and most recently it was occupied as an undertakers, receiving planning permission in 2011 (App Ref: 11/00695/FUL). It would appear that the undertaker use ceased at least 12 months ago.

Proposal

The Applicant seeks consent to demolish part of the single storey side extension and convert the building into a 12-bed House of Multiple Occupation (HMO) with a shared kitchen/dining area. The scheme would replace/re-open the ground and first floor side facing windows.

Part of the garden serving No.11 Manor House Street would be used to form an amenity area/drying area for future occupiers.

16 car parking spaces are proposed to be formally laid out, four of which would serve the offices at No. 17 Manor House Street.

2 Planning History

Reference	Proposal	Decision	Date
15/00468/FUL	Conversion to HMO providing 13 bedsitting rooms	Withdrawn	05/05/2015
11/00695/FUL	Change of use to Undertakers (A1)	Permitted	08/07/2011

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

4 Consultations/Representations**PCC Transport & Engineering Services (24.11.16)**

Object - The Local Highways Authority (LHA) objects because the increase in traffic using an access of a substandard width would constitute a highway safety hazard.

The LHA notes that the Applicant is asserting that the building has had many previous uses and presumably makes the case that traffic generation may have previously exceeded that from 12 bedsits. In respect of this application the LHA can only take into consideration previously known uses, these being an undertakers and a shelter for homeless persons. Neither of these uses would have generated more traffic than 12 dwellings.

The Applicant also makes a case that the car park has previously been well used with around 13 cars being parked there. There is no evidence of this however a photo has been referred to which shows 10 cars in the car park. This may have been the case however in assessing this application, the LHA are concerned with trip generation from the site. Assuming that 10 people may well have frequently parked in a car park for a day (equating to 20 trips assuming a trip to and from the car park) this does not equate to the number of trips for 12 dwellings.

The trip rate for a dwelling in terms of vehicles per day is somewhere around 2.6 trips using the rates in the Peterborough Transport Model, which was used to inform the Core Strategy and subsequently approved by the Planning Inspectorate. The number of trips per day for 12 dwellings would be 31.2 which is significantly above that which would be generated by 10 people using the car park previously.

Whilst it is recognised that the site falls within the overall City Centre (as defined by the City Centre Plan) it does not fall within the Core area therefore satisfactory parking must be provided.

Cambridgeshire Fire & Rescue Service

No comments received

PCC Pollution Team

No comments received

Waste Management

No comments received

PCC Conservation Officer (23.11.15)

No objection - From a heritage consideration the proposed works can be supported but would seek the retention of the dormer windows and retention of exterior door as existing position. It is considered that with the above changes this will preserve the character and appearance of this part of the Park Conservation Area and locally listed building.

Archaeological Officer (26.08.15)

No objection - Given the limited ground impact required by the proposed development, there is no need to secure a programme of archaeological investigations: no condition is required.

Building Control Manager (17.09.15)

No objection - There should be one wheelchair accessible bedroom, and one Part M compliant WC for visitors.

Police Architectural Liaison Officer (PALO) (17.08.15)

No objection - The Crime Statistics for the area indicate the area as having a low to moderate risk of crime and anti-social behaviour, taking into consideration its easy access to the City Centre. Houses in Multiple Occupation (HMO) can make a valuable contribution to private rented stock, however concentrations of HMO's can result in environmental and social problems associated with the more intensive use of a property.

The Council's Housing Enforcement team have advised that there are no Houses in Multiple Occupation on Manor House Street, the closest being situated on Park Road. As such the Police Architectural Liaison Officer raised no objection, however does recommend conditions with respect to access control and secure cycle storage.

Local Residents/Interested Parties

The following concerns have been raised

- Noise;
- Overlooking and loss of privacy;
- Crime and Anti-Social Behaviour;
- External changes to the building;
- Intensification of use and future occupiers;
- Change in character of the area;
- Management of the site;
- Time taken to determine the application;
- Lack of Information (Design and Access Statement);
- Access and Parking;
- Construction Traffic; and
- Devaluation of Property.

A petition has been received opposing the proposal, which has been signed by 16 residents, the majority of whom live on Manor House Street. The reason for the petition echo the concerns raised above.

5 Assessment of the planning issues**1) Principle of Development**

The application site is situated within the City Centre and therefore the principle of residential development is acceptable and accords with Policy CS1 and CS2 of the Peterborough Core Strategy DPD (2011), which seeks to provide 4,300 dwellings within the City Centre by 2026.

The site is also situated within the City North Area as identified by Policy CC10 of the Peterborough City Centre Plan (2014), which states proposals that assist with improving the quality of the housing stock and residential development would be supported.

Policy CC10 does state that within the City North Area 'the intensification of **residential** use through the subdivision of existing properties, including the creation of Houses in Multiple Occupation, will not be supported'. It is emphasised that St Theresa's is **not** a residential property, it has planning permission to be used as an Undertakers, which is an A1 use class, and therefore the proposed development is not contrary to this policy.

2) Access and Parking

The office situated at No. 17 Manor House Street would share the rear parking area with the proposed house of multiple occupation. The office has a gross floor area of 230sqm and would be required to provide, in accordance with the Council's adopted standards, 8x off-street parking spaces and 2x disabled bays if maximum parking standards were used.

As illustrated on the latest layout plan 12 car parking spaces would be provided to serve the proposed 12x bedsits and 4x car parking spaces would be retained to serve the offices at No. 17 Manor House Street. This would be a shortfall of 6x car parking spaces for the office were maximum parking standards applied. The supporting information states that around 13 cars may have parked to the rear of the site, however the only evidence submitted was a photo that illustrated 10 cars. It is acknowledged that this photograph is only a single snap shot of time, but it does indicate that the two uses operating side-by-side would result in a parking shortfall.

As part of the negotiation process, a possible way forward was put to the Applicant. The Local Planning Authority advised that if 5 parking spaces could be provided on street, then it would find the parking provision to be acceptable. As such the Applicant was advised to undertake a parking survey to establish if any on-street parking could be found, however the Agent has refused to undertake a parking survey and this information has not been forthcoming.

In addition, the Local Highway Authority has also advised that the previous known uses of the application site, an Undertaker and previously to this a shelter for homeless persons, would not have generated more traffic than the 12 dwellings proposed and the intensification of a substandard access would lead to vehicles undertaking unsafe manoeuvres constituting a highway safety hazard.

In an attempt to overcome this concern, amended details have been received proposing to use a traffic management system which would control traffic in and out of the application site. The Local Highway Authority advised that these systems will eventually fail, and in their experience once broken these systems take some time to be repaired or are never repaired at all. As such this is not accepted as a solution.

To conclude, therefore, insufficient information has been provided to demonstrate that satisfactory parking can be made available to serve the existing offices at No. 17 Manor House Street and the proposed 12x bedsits and the Local Highways Authority maintain their objection on highway safety grounds. Without a quantum of parking being accommodated on street the proposed access is of substandard width for the number of vehicles that would use it, and this would lead to vehicles undertaking unsafe manoeuvres causing a detriment to the safety of the users of the adjacent public highway. As such the proposal is contrary to Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

3) Design, Layout and Impact on a Building of Local Importance and the Conservation Area

Policies CS16 and PP2 seek to ensure any development would not have an adverse impact on the character of the area. Policies CS17 and PP17 seek to ensure that any development would preserve or enhance the Conservation Area.

The single storey flat roof side extension, the rearmost part of which is to be demolished, is of no architectural or historic merit and its partial demolition is accepted.

The building is a locally listed building (C31 of the Peterborough Buildings of Local Interest, 2014) as it provides a variety and interest to the street scene and contributes to the Victorian Character of the area. The Conservation Officer has advised that the proposal would alter or add openings to the east, north and west elevations, whilst there would be no alterations to the front of the building, which is identified as the most important part. Because there would be no fundamental changes to the front of the building no objections are raised.

The pedestrian entrance off Manor House Street originally indicated a lobby with post boxes with the current external door removed. In accordance with advice given by the Conservation Officer and Police Architectural Liaison Officer this set back is likely to give rise to issues of anti-social behaviour and retaining an external door (with fobbed access for the postman) would remove this opportunity. These amendments have been incorporated into the latest set of plans.

Further, the dormer windows along the western elevation are a feature of the building even though an appreciation of them is only gained from the passageway access. In accordance with Conservation advice these dormer windows have now been retained and re-used with the insertion of roof lights. The alteration to form the ground floor windows (west) would not be readily visible from Manor House Street and appropriately finished windows will be appropriate. These details can be secured by way of planning condition(s).

Subject to securing details of openings by way of planning condition(s) the proposed works are not considered to harm the locally listed building and would preserve the setting of the Conservation Area, and accord with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and PP2 and PP17 of the Peterborough Policies DPD (2012).

4) Amenity of Existing and Future Occupiers

Policy PP3 seeks to ensure that any development would not result in an unacceptable overbearing impact, loss of privacy, light or amenity to neighbouring properties. Policy PP4 seeks to ensure that the development would provide satisfactory living condition for future occupiers.

Letters of representation have raised concern that the proposed use would result in harm to neighbour amenity generated by the coming and going of occupiers of the HMO, as well as issues of noise, overlooking and a loss of privacy.

It is noted that the proposed use would be an intensification when compared against the current approved use as an undertakers, as it would generate more pedestrian movements to and from the site at all hours. However the application site is situated within a residential area that is a short walking distance from the City Centre. Within the fringes of the City Centre these areas typically experience a higher number of coming and goings and it is not considered that an unacceptably harmful impact on the amenity of adjoining properties would occur. This has been balanced against securing a future use for this locally listed building, which is currently vacant.

Letters of representation from residents have raised concerns about a loss of privacy. Flat 8 and 11 would utilise east facing openings, however if planning permission were granted these openings could be obscurely glazed and fixed shut by way of planning condition. These flats have a principal outlook to the east and north respectively. The first floor west facing windows would serve a landing; as these are public areas and not principal rooms the inter-relationship with No. 17 Manor House Street, which has facing ground and first floor windows serving offices, is accepted as occupiers would only use this area for circulation.

Flat 10 proposes an east facing window which looks towards No. 11 Manor House Street, which is owned by the Applicant. Amended plans have been sought which has repositioned this primary window further to the south. When reviewing the outlook from this room given the angles involved it is not considered that this window would result in an adverse level of overlooking to No.11's primary amenity space and the relationship is accepted.

The main areas to each of the proposed flats would be served by a main window. It is noted that Flat 5 and 6 would have secondary windows onto the western access road, however these windows could be conditioned to utilise obscure glazing and be fixed shut. Flat 2 would benefit from a small amenity courtyard; a condition could be used to ensure that this is for the benefit of this flat only, and is considered to off-set an otherwise poor outlook from principal rooms. The flats would benefit from an outdoor amenity area to rear as well as a communal kitchen area.

Subject to utilising conditions to secure obscure glazing and non-openable windows the proposal is not considered to harm the amenity of neighbouring occupiers and subject to ensuring internal noise is mitigated through sound proofing satisfactory amenity for future occupiers could be secured.

5) Crime

Letters of representation have raised concern that the proposal would result in an increase in crime and anti-social behaviour.

The crime statistics for the area indicate the area as having a low to moderate risk of crime and anti-social behaviour, taking into consideration its close proximity to the City Centre. The Police Architectural Liaison Officer notes that Houses in Multiple Occupation (HMO) can make a valuable contribution to private rented stock, however concentrations of HMO's can result in environmental and social problems associated with the more intensive use of a property. The Council's Housing Enforcement team have advised that there are no known Houses in Multiple Occupation on Manor House Street, the closest being situated on Park Road, although there are properties on Manor House Street which have been converted to flats. As such the Police Architectural Liaison Officer (PALO) raises no objection, however should planning permission be granted the PALO recommends that conditions be attached securing details of access control and secure cycle storage.

6) Biodiversity

Policy PP16 seeks to ensure any development would not have an adverse impact on the Biodiversity of the site.

The application site is a Victorian School and further to receiving comments from the Council's Wildlife Officer has potential to contain bats and nesting birds. An ecological assessment for protected species has been submitted (JDE Ecology Ltd (15.12.15) advising that the building was well pointed and there was no access to the loft; having inspected the loft area it was concluded that no bat roosts or nesting birds were found to be within the building. It was advised that the building was of negligible potential to support roosting bats and no further survey or mitigation was required. The survey was found to be acceptable by the Council's Wildlife Officer, however were permission granted a condition would be attached to install bird boxes for house sparrows prior to occupation of the development. This would enhance the biodiversity value of the site.

7) Other Matters

Management of the site – Concerns have been raised with respect to the management of the site; this is a matter for the operator;

Construction Traffic – Any construction traffic would be for a temporary period, however if permission were granted given that the site is within a predominately residential area an hours of demolition and construction condition would be appropriate;

Devaluation of Property – This is not a planning matter and cannot legally be considered.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

R 1 Insufficient information has been submitted to demonstrate that satisfactory parking can be provided to serve the proposed development. Policy requires a maximum of 10x parking

spaces to serve the existing office at 17 Manor House Street and 12x car parking spaces to serve the proposed HMO. As a result of the proposed HMO use, the existing office use would have a shortfall of 6 car parking spaces, and it is considered that the two uses operating side-by-side and using a shared car park will generate more parking demand than what can be accommodated on site. Further the proposed access is of substandard width and the associated intensification of the access and lack of parking being accommodated on-street to make up this shortfall would lead to vehicles undertaking unsafe manoeuvres causing a detriment to the safety of the users of the adjacent public highway. As such the proposal is contrary to Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

Copies to Councillors: M Nadeem, N Khan MBE, M Jamil