

Application Ref: 18/01675/FUL

Proposal: Change of use from house in multiple occupation HMO (Class C4) to Hotel (Class C1)

Site: 339 Eastfield Road, Eastfield, Peterborough, PE1 4RA

Applicant: Mr J Karavadra

Agent: Mr Tim Slater
3D Planning Ltd.

Referred by: Cllr Joseph

Reason: Cumulative impact, increased antisocial behaviour and traffic

Site visit: 31.10.2018

Case officer: Mr D Jolley

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Recommendation: **GRANT** subject to relevant conditions

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

Site and surroundings

The application site is a small scale HMO of up to 6 people, located along Eastfield Road, 1 mile east of the city centre. The site has a small, partly enclosed, front garden and fully enclosed rear garden. There is a driveway to the side of the property. The surroundings are broadly residential in character but with a car garage, petrol station and shop close to the application site on the corner of Eastfield Road and Ashcroft Gardens. To the side and rear of the application site is a complex of three buildings which together operate as the Eastfield Guesthouse, which is accessed from Eastfield Road and exists via a 1 way system to Briar Way.

Proposal

Permission is sought to change the use of the building from a 6 bedroom HMO (C4) to a 7 bedroom Hotel (C1). It is proposed to access the site from the adjacent access of 241 Eastfield Road, which gives access to the parking area to the rear, which exits to Briar Way

N/B The proposal has been revised to alter the redline at the request of the Local Highway Authority. This alteration is currently out for reconsultation. Any responses pertinent to the determination of the application will be added to the update report.

2 Planning History

No relevant planning history for 339 Eastfield Road

History for Eastfield Guesthouse complex;

18/00192/FUL – Extension to 19 Briar Way – Refused - Overturned by Inspector

17/02104/FUL – Extension to 4 Ashcroft Gardens - Approved

16/02187/FUL – Change of use of 19 Briar Way and 4 Ashcroft Gardens to C1 – Approved

3 Planning Policy

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

Peterborough Core Strategy DPD (2011)

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

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.

Peterborough Planning Policies DPD (2012)

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.

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.

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018. A Planning Inspector has been appointed and the Local Plan is going through the Examination stage to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 48 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

4 Consultations/Representations

PCC Peterborough Highways Services (22.10.18)

Remove a space at the front of the site and have the parking area to the rear accessed from 341 Eastfield Road. N.B An amended plan to do this has been received and is currently subject to consultation.

Subsequently the LHA have requested the following; To provide additional reversing space for a vehicle parked in the single parking space on the forecourt of 339 the LHA would request that the 1200mm high timber fence to the east of the parking space is relocated slightly further back for a distance of 3m. This shall position the fence just to the front of the side window of the dwelling.

To provide additional space for vehicles entering the site the LHA would also request that the length of the 1200mm high fence in the centre of the driveway is reduced in length by 3m. – This will be appended as a condition to the permission.

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

Cllr Joseph has objected to the proposal on the basis of;

- Cumulative impact on local residents
- Increased traffic
- Increased risk of antisocial behaviour

3 Objections have been received in relation to the proposal from Local Residents.

Over the past few years there have been several instances where it has become obvious that the neighbourhood in general is deteriorating and one of the reasons for this is that properties are being purchased and converted into multi-tenant properties.

This in turn means that that "ownership" pride has been lost and as a result the area is much the

worse for it. I have no particular issue with an individual who may wish to extend their own property for personal convenience but I do object to so much change, basically, for financial reward. Recent developments and this scheme do not have the collective interests of the community at heart.

Proposals such as this are changing the face of our community by turning what was once a quite desirable residential area into a much more commercially biased one via rented housing as a result of these planning alterations - the latest being a request to convert a house to a hotel!

This in turn makes this area less desirable for any potential purchasers, which in turn will affect the saleable value of many of the residents properties. Whilst I appreciate that this planning application specifically concerns bricks and mortar, the general standards for the whole neighbourhood is what is at risk here.

Recent developments have resulted in the site being turned into a dormitory with increased traffic and antisocial behaviour.

The proposal will bring vehicles into what is a garden area. Trees will be lost increasing noise and pollution.

Increased number of residents will exacerbate problems of noise and antisocial behaviour.

Planning conditions on previous approvals have not been complied with.

Cars speed past the site, this is dangerous to residents.

We were under the impression the site was at capacity.

Insufficient parking

No amenity space, residents gather outside building and sit on walls worsening antisocial behaviour.

No facilities for waste recycling

This development will put pressure on schools.

Cars still park on Briar Way

5 Assessment of the planning issues

The main considerations are;

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- The impact of the proposal on highway safety

The impact of the proposal on the character of the area

Externally there is little to no change to the property and as such any changes to the character of the area will arise from the intensity of the use of the site. The application site is located along a busy arterial route, close to a school, petrol station and shop and it is considered that there is a high level of activity close to the site throughout the day. The likely increase in the number of residents using the site is unlikely to result in a materially harmful increase in the intensity of the use of the site.

An objector has stated that the loss of on site trees will harm character and increase noise nuisance to neighbours. The applicant could remove these trees without permission and as

conifers they are unlikely to be considered worthy of retention, particularly with limited public amenity, therefore it would not be reasonable to resist the application on this basis.

An objector has stated that the applicant is turning the area from a residential area to a commercial area, changing the character. Whilst it is accepted that a hotel is a commercial use, it is still people sleeping in rooms and as such is not greatly different from a residential location, patterns of use and comings and goings may be somewhat different but in essence the uses are very similar.

In light of the above it is considered that the proposal will not materially change or harm the character of the area.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

The proposal does not result in increased floorspace but increases the number of rooms in the property from 6 to 7. The proposal will result in a greater number of people residing in the property as the dwelling will no longer be limited to 6 people living at the site. However the exact intensity of use cannot be known as it will depend on breakdown of who is renting the rooms, either professionals where occupancy is likely to be lower or couples and emergency accommodation where more than one resident per room is likely.

If a worst case scenario of around 14 people occupying the dwelling is considered, it is clear that some increased noise from residents will result. However this is unlikely to be unacceptably harmful. The site is accessed from a busy arterial route from the city centre and as such a higher level of noise must be considered acceptable. There is a small patio to the rear of the dwelling which is likely to function as a smoking area for residents. The LPA are of the opinion that this is unlikely to be more harmful to neighbour amenity than the use of this area by residents of the HMO as amenity space.

Residents have objected on the risk of increased antisocial behaviour. The LPA do consider there to be materially more risk with a hotel than with a HMO. A resident has stated that occupiers sit on boundary walls and cause nuisance, however there is nothing to stop the existing residents of the HMO doing this currently. In fact it is likely to be easier to remove a problematical resident from a hotel rather than a HMO as the resident would not have a tenancy agreement.

Some increased noise disturbance may result from the use of the amenity space as a car park, however there is nothing to stop existing residents using the rear garden as a car park and notwithstanding this, it is considered that given the relatively busy character of the area that use of the parking area is unlikely to materially harm the amenity of the occupiers of neighbouring dwellings.

Whilst the loss of any trees is regrettable, the applicant is free to remove the conifers at any time as they are not worthy of protection. Therefore the loss of these trees should not form the basis of the refusal of this application.

In light of the above it is considered that the proposal will not materially harm the amenity of the occupiers of neighbouring dwellings. Any harm that does result must be balanced against the provision of additional emergency accommodation, which provides authority wide benefits.

The impact of the proposal on highway safety

It is noted that the Local Highway Authority did not mention the level of parking provision in their initial response. It is also noted that the design and access statement is wrong in regard to onsite parking provision as it states there is sufficient provision for 6 rooms, where in fact there are 7. Notwithstanding this and if requested by the LHA there is space to site an additional parking space beneath the solar panel area, giving the correct parking provision. It is also noted that there is space for two vehicles to park to the front of 341 Eastfield Road, spaces which are not counted on the submitted site plan but could be used as part of the wider sites provision.

Clearly by making the parking/access part of the 1 way system serving the Guesthouse complex,

some additional traffic will exit via Briar Way. It is considered that the 7 rooms will not materially increase the level of traffic using Briar Way when considered over a 24 hour period. The access to Briar Way is a recent construction, to current standards and is considered to be a safe access with good visibility on both sides. An objector has stated that the level of traffic and speed of road users on Briar Way is a risk to the residents of the proposed hotel. The LPA are of the opinion that there is no reason to believe that the residential of the proposed hotel will be at undue or unacceptable risk of road traffic accidents, with many locations close to schools becoming congested at the beginning and end of the school day.

Subsequent to their previous comments the LHA have asked for additional alterations to the proposal, to move back a section of fence to the rear of the single parking space and to reduce the section of fencing between number 339 and number 341. There is insufficient time to secure these alterations and therefore they will be requested by condition.

In light of the above it is considered that the proposal is unlikely to materially harm highway safety, subject to comments from the LHA on the amended site plan.

Other matters

An objector has stated that past developments did not adhere to planning conditions. This is not a material planning consideration and there is no policy framework to resist an application on this basis.

An objector has stated that the proposal may reduce the saleability of their own dwelling, this is not a material planning consideration.

An objector has stated that the proposal will place pressure on local schools. The proposal increases the number of bedrooms in the property by 1 and removes the cap of the number of people who can reside in the property, which may result in a number of children being accommodated in the hotel. It is also noted that school age children of those requiring emergency accommodation would need to be educated somewhere and as such in terms of the broader authority the proposal will not increase demand for school places.

An objector states that the proposal will result in the loss of amenity space, with none to serve the hotel. There is no specific amenity space requirement for hotels and the small patio to the rear of the building remains. It is considered that it would not be reasonable to refuse the application on this basis.

An applicant has stated that there are no recycling facilities for the operation and that this does not accord with the environmental agenda of the Local Authority. As a commercial enterprise the site will be served by private rubbish collection and it would be difficult for the local planning authority to enforce a condition that required residents to recycle their rubbish.

An applicant has stated that they were under the impression that the site was at capacity. It is true that this formed the basis of the refusal of application 18/00192/FUL. However this refusal was appealed and the decision of the LPA was overturned. Notwithstanding this, the proposal is an expansion of the site via the adjacent site, rather than an intensification of the existing Eastfield Guesthouse site and as such this argument is not considered valid in this instance.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The proposal will not unacceptably harm the character of the area, the amenity of the occupiers of neighbouring dwellings or highway safety; in accordance with policy CS14 and CS16 of the Peterborough Core Strategy (DPD) 2011, policies PP2, PP12 and PP13 and policy LP13 and LP16

of the Peterborough Local Plan (Submission).

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 The development shall be carried out in accordance with drawings; 313SK01 rev A and 313SK02 rev F

Reason: For the avoidance of doubt.

- C 3 The hotel shall not be occupied until the access, parking and turning areas have been constructed and hard surfaced or gravelled in accordance with the detail shown on the approved plan 313SK02 rev F. The parking areas shall thereafter be available at all times for the purpose of the parking of vehicles, in connection with the use of the hotel and for no other purpose.

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD (2012).

- C4 Notwithstanding the approved plans, prior to the first use of the hotel hereby permitted a plan showing the 1200mm high timber fence to the east of the parking space at the front of the site relocated back into the site by 3.0 metres and a reduction in the fence between driveways by 3.0 metres, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved drawing and retained as such prior to first use of the hotel.

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD (2012).

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