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**Report from the Head of Development Management to the
Development Control Committee**

Application number:	7/2021/2200
Application type:	Full Planning application
Applicant:	Miss Sarah Ludar-Smith
Location:	43, Eskin Street, Keswick, CA12 4DG
Grid reference:	523316.5807
Proposal:	Change of use from Class C1 (B&B) to Class C3 for use as a Holiday Let
Report prepared by:	Phil Nicholls, Planner
Report agreed by:	David McGowan, Head of Development Management
Recommendation:	APPROVE with conditions

1. About this report

- 1.1 The case planner has prepared this report, assessment and recommendation taking into account our policies (known as the Development Plan), written representations we have received, and any other material considerations.
- 1.2 Material considerations are things that are relevant to our decision making and which we are able to take into account – for example site specific factors, or Government planning policy (the National Planning Policy Framework) and Government planning guidance (the National Planning Practice Guidance).
- 1.3 The Development Control Committee will determine the application at its meeting having regard to the provisions of the Development Plan, representations we have received, and all other material considerations, following a verbal and visual summary of the application by the case

planner and, where applicable, after hearing any verbal representations made in accordance with our Policy for Public Speaking at Meetings.

- 1.4 Most applications are decided under powers delegated to the Head of Development Management. A small number of significant or more contentious applications are considered by our Development Control Committee as set out in our Scheme of Delegation.

2. Background and proposal

- 2.1 The application relates to 43 Eskin Street, Keswick a three storey Victorian property used as a bed and breakfast. Planning permission is sought to change its use into a holiday let. No external works would be undertaken to facilitate the change.
- 2.2 I am reporting this application to committee because the recommendation of approval is contrary to the views of Keswick Town Council.

3. Representations

- 3.1 Keswick Town Council – Object – Keswick Town Council wish to object to any further change of use from C1 to C3 (holiday let) category. It is felt that there is a sufficient number of holiday lets within the town and any further loss of C1 businesses reduces the diversity of accommodation within the town. Eskin Street is primarily a residential area, and there are concerns over the social and environmental impact of this proposed change. Given that this property is unlikely to be mixed hereditament, there are also concerns regarding how the 'one family group' condition would be managed.
- 3.2 Local Highway Authority – No objections.
- 3.3 Lead Local Flood Authority – No objections.
- 3.4 Four letters of objection have been received from two individuals. These raise the following concerns:
 - There are enough holiday lets in Keswick and every Street has them. There is no sense of community;
 - A holiday let that can sleep over a dozen people is likely to be let out to large groups;
 - Eskin Street is a residential area as such unsuitable for large holiday lets;
 - Occupation by large groups will result in anti-social behaviour and increased noise and disturbance as they will be let out for hen and stag weekends and other party celebrations.
 - Guest Houses are able to control noise and disturbance which holiday lets won't be able to do;
 - A holiday let will result in increased pressure on parking in an area that already struggles with parking;
 - A holiday let will not bring in money to the town.

4. Policy and guidance

4.1 The relevant Development Plan comprises:

- The Lake District National Park Local Plan 2020-2035

4.2 The following Lake District National Park Local Plan policies are relevant to this application:

- Policy 02: Spatial strategy
- Policy 06: Design and development
- Policy 15: Housing
- Policy 18: Sustainable tourism and holiday accommodation

4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of planning applications.

4.4 There is no community plan in this area.

5. Assessment

5.1 The main issues are:

- Principle
- Amenity
- Highways and parking
- Flood risk

Principle of development

5.2 Policy 02 states that rural service centres such as Keswick will be the focus for housing, employment and retail development.

5.3 Policy 18 (Sustainable tourism and holiday accommodation) supports proposals which will deliver a high quality, sustainable tourism experience for the diverse range of visitors to the Lake District, and ensure proposals benefit local communities and businesses. It states that we will seek to retain and evolve a range of high quality holiday accommodation.

5.4 Policy 18 states that that proposals seeking to change guest houses to different forms of holiday accommodation to meet changing market demands will be supported where a range of tourism accommodation is available in the local area and the relevant policy criteria are met.

5.5 Policy 15 (Housing) sets out how new homes will be provided to meet community need. It states (amongst other things) that we will support the change of use of guest houses to dwellinghouses where they are secured for permanent occupation and where it can be demonstrated there is no detrimental impact on the range of visitor accommodation types in the area.

- 5.6 Local Plan policy seeks to safeguard the range of visitor accommodation but does not, as a matter of principle, safeguard tourism use under Policy 16 (Job creation and employment space).
- 5.7 In this case the proposal is for different type of holiday accommodation and there is no policy requirement for a marketing exercise to be undertaken on the guest house.
- 5.8 There is a large number of visitor bed spaces and a wide range of visitor accommodation types in Keswick, including a significant number of guest houses. I consider there to be a range of tourism accommodation in the local area and that the loss of this guesthouse would not represent a detrimental impact on the range of visitor accommodation types in the area.
- 5.9 It is proposed to change to 'Class C3 for use as a holiday let'. The Use Classes Order provides definitions of various classes of development. If permitted the proposed description of the change of use would allow:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by —

- (a) a single person or by people to be regarded as forming a single household;
 - (b) not more than six residents living together as a single household where care is provided for residents;
- or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Interpretation of Class C3

For the purposes of Class C3(a) "single household" shall be construed in accordance with section 258 of the Housing Act 2004

- 5.10 Section 258 of the Housing Act provides definition in respect of premises occupied as a House in Multiple Occupation as a permanent home.
- 5.11 The Permitted Development Order (Schedule 2, Part 3, Class L) grants permission to change from a Class C3 dwellinghouse to a Class C4 House in Multiple Occupation.
- 5.12 If planning permission were to be granted (in the absence of a planning condition) the resulting dwelling could be occupied in accordance with Class C3, with a permitted development right to change to a Class C4 House in Multiple Occupation.
- 5.13 In the absence of a suitable condition I consider that the proposal would not meet the requirements of Policy 18 (or Policy 15). A condition to restrict use

of the dwelling to a form of holiday accommodation would meet the requirements of policy.

- 5.14 In this case a holiday let is proposed and self-catering accommodation is a form of holiday accommodation, which can be required by planning condition. Such a condition would read:

The premises shall be used only as short term holiday letting accommodation and shall not be used for any other purpose.

REASON: To ensure that the accommodation hereby permitted is occupied as holiday accommodation to meet the requirements of Policy 18 (Sustainable tourism and holiday accommodation) of the Lake District National Park Local Plan.

- 5.15 Subject to such a condition I consider that the proposals would accord with the requirements of the development plan, in particular Policy 18, in principle.

Amenity

- 5.16 Policy 06 states that development must not have an unacceptable impact on the amenity of adjoining residents and users of the proposed development, due to visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution or other adverse impacts.
- 5.17 The National Planning Policy Framework states planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 5.18 As no external alterations are proposed there would be no increase in overlooking, loss of light or overbearing impact resulting from the development.
- 5.19 Concerns have been raised that the application building by virtue of its size, in particular its number of bedrooms, would lend itself for letting out to large groups. These larger groups it is argued would result in a higher likelihood of noise, disturbance and anti-social behaviour which would be unacceptable in the area which is predominantly residential.
- 5.20 The area is characterised by traditional two to three storey properties, and a number of which have a small associated rear yard. A proportion of properties are operated as guest houses whilst the remainder are dwellinghouses or flats. The majority of the dwellinghouses given their age are not subject to any occupancy conditions and as such could be permanently occupied or let out as holiday accommodation. Given the increased demand for holiday accommodation an increasing number are being used for holiday accommodation.
- 5.21 The application property is an end of terrace with an access road one side and a dwellinghouse on the other side. Currently the property operates as a guest house with 5 letting bedrooms and 2 bedrooms for the owners.

Regular movements and activity associated with both those occupying the letting rooms and the owners would be expected.

- 5.22 The floorplans provided show the accommodation would comprise 7 bedrooms alongside shared dining room, living room, kitchen and bathrooms. Those staying at the property would be occupying it as a single group given the shared facilities. The associated activity, noise and comings and goings would in my view be akin to the existing use and other properties on the street of a similar size and would not result in a significant impact on the amenity of the neighbouring properties.
- 5.23 I consider that taking into account the existing activity associated with the guest house coupled with the context of the area, that the proposed holiday let would not bring about significant impacts on the living conditions of neighbouring properties as such the proposals would ensure a good standard of amenity for all existing and future occupants in compliance with Policy 06 and the NPPF.

Highways and parking

- 5.24 The building has no off-street parking and is reliant on on-street parking. There are no extensions proposed and the capacity of the building would remain the same therefore I do not consider the proposals would increase the requirement for parking over and above the existing use. There is a possibility that occupants would generate fewer movements and would travel in fewer cars thereby reducing the pressure on the on-street parking.

Flooding

- 5.25 Using the Environment Agency Flood Maps, the property, and most of the street are within Flood Zone 2. Both the existing and proposed use would be considered 'More Vulnerable' as classified by the Flood Risk and Coastal Change guidance within the NPPG. The change of use would not increase risk to occupiers/users of the property, nor would it increase flood risk elsewhere. As such I am satisfied that the scheme accords with the provisions of Policy 03.

6. Conclusion

- 6.1 Having regard to the provisions of the Development Plan (in particular Lake District National Park Local Plan policies 02, 03, 06 and 18), and other material considerations (including the provisions of the NPPF), the development is considered to be acceptable, subject to the conditions recommended.

RECOMMENDATION: APPROVE with conditions
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Conditions/Reasons

1 The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The premises shall be used only as short term holiday letting accommodation and shall not be used for any other purpose.

REASON: To ensure that the accommodation hereby permitted is occupied as holiday accommodation to meet the requirements of Policy 18 (Sustainable tourism and holiday accommodation) of the Lake District National Park Local Plan.

NPPF decision notice requirements

Town and Country Planning (Development Management Procedure) (England) Order 2015 Article 35(2) statement

The Local Planning Authority did not identify problems arising in relation to dealing with the application

Background papers

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.

7/2021/2200

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Class C3 for use as a Holiday Let

Site



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