

a) **DOV/15/00847 – Retrospective application for change of use to guest house (Use Class C1) at 15 Norman Street, Dover**

Reason for Report: The number of third party objections.

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that new development should pay special regards to the desirability of preserving listed buildings, or any features of special architectural or historic interest it possesses.

Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires that in granting planning permission the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area

Dover District Core Strategy

Policy DM1 states that development will not be permitted on land outside the urban boundaries and rural settlement confines, unless justified by other development plan policies of is ancillary development.

Policy DM11 considers the location of development and managing travel demand. Development that would increase travel demand should be supported by a systematic assessment to quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximize walking, cycling and the use of public transport.

National Planning Policy Framework (NPPF)

The NPPF states that at its heart (paragraphs 14-17) is a presumption in favour of sustainable development, to be seen as a golden thread running through decision-taking. It sets out three dimensions (paragraphs 7, 9) to achieving sustainable development: economic, social and environmental. These should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. There is a desire to ensure the vitality and viability of the town centre in Section 2, Paragraph 23. There ideally needs to be support for the economy and social role in supporting strong vibrant healthy communities.

The desire to protect and enhance the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development (as defined in paragraphs 6-10). The appropriate conservation of heritage assets forms one of the Core Planning Principles (Paragraph 17 bullet 10) that underpin the planning system. This is expanded upon principally in Paragraphs 126-141 under the heading "Conserving and enhancing the historic environment."

- in paragraph 126 “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.”
- In paragraph 134 “ where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

d) **Relevant Planning History**

15/00561	–	Retrospective planning application for change of use from a single family dwelling house to a guest house – WITHDRAWN
ENF/DOV/15/0083	-	Alleged material change of use of premises from a single family dwelling (Use Class C3) to a guest house (Use Class C1)

e) **Consultee and Third Party Comments**

Consultees:

Environmental Health – Have no objections to this application
Heritage – Has no comments to make

Dover Town Council:- No comments received

Third Party letters:

Eight letters of objection have been received from local residents; the material considerations are summarized as follows:-

- Noise and disturbance as a result of guests arriving and disturbing fellow neighbours in order to establish the location of the guest house because there is no signage, usage by large numbers of guests, Guests staying awake late into the following day.
- Highway safety concerns in relation to added pressure for on street parking

Applicant’s Case

The applicant states that the property used to be her family home but has now been empty for a couple of years since all her children have now grown up and moved out and it is now no longer suitable for her to live in.

f) **The Site and the Proposal**

- 1.1 This application site is located in the designated Dover College Conservation Area next to the major roundabout junction serving Folkestone Road, Priory Road and York Street. The site itself comprises a mid-terraced three storey statutory listed building that is used as a single family dwellinghouse albeit with three bedrooms in use as 3 guest bedrooms. There are six bedrooms, two reception rooms, bathrooms and a kitchen area in the building. The site is

in a predominantly residential area, with on street parking, nearby public car parks and is in the town centre with good public transport provision.

- 1.2 In July 2015 it was brought to your Officers attention that a possible breach of planning control was occurring involving a material change of use to a guest house. There has been however no alterations or proposed to the fabric of this statutory listed building. It is understood that currently only up to three of the six available bedrooms are used for guest house purposes whilst the applicant awaits the outcome of this current planning application. To date therefore the use has arguably not materially commenced.
- 1.3 The applicant made enquiries with the Council and was advised as a matter of fact and degree that she could arguably let out 50% of the property without the need to apply for planning permission but would need to apply for change of use if she decided to use whole property as guest house. Her son has now decided that he would like to try use and run the property as a guest house. The rooms are advertised and let out individually to paying guests. Currently most guests book to stay for a night as they are either crossing over to Calais by ferry or coming back. Some guests will book for 2-3 nights, mostly over the weekend whilst visiting Dover. None of the rooms are to be let out on a long term or permanent basis. No meals are provided and breakfast is not included either. However, there is a kitchen in the basement for guests to use if they wish.

2. **Main Issues**

- Principle of development
- Heritage impact
- Residential impact
- Highway
- Other matters

3. **Assessment**

3.1 Principle of Development

Being located within a settlement boundary the proposal is acceptable in accordance with Policy DM1 of the Dover District Core Strategy. The NPPF supports and promotes sustainable development. The site is in the town centre, close to facilities and services and in such a location that the use applied for, would satisfy the economic, social and environmental aims and objectives set out. In addition Section 2 Paragraph 23, seeks to ensure the vitality of the town centre, promotes amongst other things the promotion of tourist related facilities. In particular it is considered that the proposed use will help ensure the vitality and viability of town centres in accordance with Section 2, paragraph 23 of the NPPF. The proposed use is also considered a viable one consistent with the approach given by Central Government in the form of conserving and enhancing the historic environment. A guest house use is obviously not uncommon to have in the town and is in keeping with the character and appearance of this part of the Conservation Area that is predominantly residential. It is clearly sustainable to have a property in use than to have it lying vacant. Furthermore a listed building in use is more likely to remain safeguarded for the future.

3.2 Heritage impact

In considering proposals that affect a listed building (heritage asset) then the NPPF requires, whether there is less than substantial harm to counter the public benefit of the proposal. In this instance there are no works proposed to the listed building, and it is considered that there would be no harm caused by the change of use. As such the proposal is considered to have a neutral impact upon both the listed building and upon the existing character and appearance of this part of the designated Dover College Conservation Area. The statutory requirements set out in the Act are therefore met.

3.3 Residential amenity

The concern raised by third parties about noise and “disturbance and antics” of previous guests is noted but there have been no complaints to this Council’s Environmental Protection Team. At the moment the property is still only partly be used with less than 50% of the rooms being used for guest house purposes. It is considered that a guest house use is compatible with a residential use. To all intents and purposes the guest house use has a similar character and associated “comings and goings” to a dwellinghouse, bearing in mind in this case that the dwellinghouse has 6 bedrooms and if occupied by a large single family would be likely to generate similar levels of activity to the use as proposed. In the event of planning permission being granted the applicant intends to advertise on the front forecourt the contact details if there are any problems with regards to noise and disturbance. The applicant has family members living in close proximity to the site who can attend if there are any problems and also to manage the property. In this regard a Customer Management Plan can be required by way of condition.

3.4 Highway

Third party representations have mentioned the use generating additional pressures for on street parking. The site is located in Dover Town Centre where there is easy access to public transport. As far as transport is concerned the site is in a sustainable location in the town centre, well served by buses, trains etc. there are a range of transport choices including walking and cycling available. There is also a public car park nearby in Norman Street and unrestricted parking available in Effingham Street. There are therefore no highway grounds to justify refusal.

3.5 Other Matters

The noise and disturbance issues are of concern to the applicant who is keen to install appropriate signage so that future visitors are given more guidance as to the location of the guest house. Signage might require both advertisement and listed building consent and so the applicant is waiting for the outcome of this current planning application before employing a sign maker and making enquiries with this local planning authority if consent is required. If the signage were freestanding, limited in size and non-illuminated it is likely not to require either listed building or advertisement consent. However such a judgement will be made in response to any future proposals in this respect. Your Officers have made enquiries with colleagues in the Environmental Protection department and it transpires that no licence is required given the nature of this proposed use.

Conclusion

- 3.6 On balance it is considered that this is a low key use which is considered to be compatible with its residential environment. It is supported by NPPF and Core Strategy policies as sustainable development given its location, the support given by NPPF to economic viability and vitality of the town centre. The heritage impact is considered to be neutral and the grant of planning permission will safeguard the future of this statutory listed building. Planning permission should therefore be granted.

g) **Recommendation**

I PERMISSION BE GRANTED subject to: 1) STD 1 standard 3 year time condition for commencement: 2) Submission of a Customer Management Plan.

II Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

Case Officer

Jim McEwen