

a) **DOV/18/00139 – Change of use from residential care home to single residential dwelling - Bracknell House, 34 Helena Road, Capel-le-Ferne**

Reason for report: Number of letters of contrary views.

b) **Summary of Recommendation**

Planning permission should be granted.

c) **Planning Policy and Guidance**

Dover District Council Core Strategy

- Policy CP1 states ‘the location and scale of development in the District must comply with the settlement Hierarchy. The Hierarchy should also be used by infrastructure providers to inform decisions about the provision of their services’.
- Policy DM1 states that ‘development will not be permitted outside the confines unless specifically justified by other plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses’.
- Policy DM11 states ‘Development that would generate travel will not be permitted outside the urban boundaries and rural settlements unless justified by development plan policies. Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made, well served by a range of means of transport’.
- Policy DM13 sets out ‘provision for parking should be a design led process based upon the characteristics of the site, the locality, the nature of the proposed development and its design objectives’.

National Planning Policy Framework (NPPF) 2018

- Paragraph 8 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 10 states ‘that at its heart there is a presumption in favour of sustainable development.’
- Paragraph 11 states that, development which accords with an up-to-date development plan should be approved without delay and where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole’.
- Paragraph 12 states that the NPPF does not change the statutory status of the development plan.
- Chapter five of the NPPF seeks to deliver a sufficient supply of homes.
- Chapter nine promotes sustainable transport, requiring that the planning system should actively manage patterns of growth in support of this objective; although opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- Chapter eleven requires that land is used effectively, including the promotion and support of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.
- Chapter twelve confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Other Guidance/Relevant Matters

Kent Design Guidance.

d) Relevant Planning History

DOV/10/00133 – Variation of condition 3 of planning permission DOV/78/01284 to allow for the provision of 22 bedspaces – Granted.

DOV/09/00065 – Erection of a single storey side extension, erection of a pitched roof and alterations to fire escape – Granted.

DOV/05/00523 – Erection of a single storey rear extension – Granted.

e) Consultee and Third Party Responses

Capel Parish Council

Against, unless conditions are imposed in respect of the original submission.

This application refers to a change in use from a residential care home to a single residential dwelling. It is difficult to see this property as a single residential/normal family home dwelling due to its size i.e 19 bedrooms as shown in the application and proposed layouts and it is suggested that further research is ascertained from the applicant before this application is determined.

Helena Road is a quiet residential road with limited parking. There is a well mature hedge along the boundary to the site, which appears to have been omitted from the application. This has potential to attract a significant number of motor vehicles, with insufficient parking either on side or on the road. Before granting conditions must be imposed to balance the provision of parking spaces to the number of people potentially residing in a 19 bedroom house and also, the retention of the mature hedge along the boundary. Any change to a House of Multiple Occupation or flats would require a separate application and/or Licence Application. Subject to the above comments, we have no further objections or comments to the application, assuming DDC are satisfied all current and building regulations are met.

Following the amendments:

The applicant appears to have made some effort to answer the concerns of local residents with the revised plans and questions raised by the Parish Council. The Parish Council's comments on future use made previously still apply. There is still no mention about retaining the hedges, which are well mature, along the boundary to the site and the Parish Council still have concerns, as it does appear to be insufficient parking arrangements for a residence of this size, if a family home with the amount of bedrooms proposed.

Subject to this comments and on the basis of information provided, we have no further objections or comments in principle to the application for change of use, assuming Dover District Council are satisfied all current planning and building regulation requirements are met.

Following re-advertisement:

- Capel-le-Ferne Parish Council are confused as to the true intentions of the applicant and it is difficult to see how this will be a single residential dwelling with the current number of bedrooms.
 - This seems a ridiculous development for a private dwelling. There are limited parking spaces for that number of rooms and seems to suggest that it may be considered for Bed and Breakfast or House of Multiple Occupancy requiring a separate application and/or Licence Application. All this would not suit the narrow road.
 - Capel-le-Ferne Parish Council see no reason to change the original comments on this application: i.e.;
- Therefore, Capel-le-Ferne Parish Council are still against this application with the lack of provision of parking spaces to the number of people potentially residing in a 19 bedroom house and also, the retention of the mature hedge along boundary. Any change to a House of Multiple Occupation or flats would require a separate application and/or Licence Application. This application refers to a change in use from a residential care home to a single residential dwelling. It is difficult to see this property used as a single residential/normal family home dwelling due to its size, i.e. 19 bedrooms as shown in application*

and proposed layouts. Helena Road is a quiet residential road with limited parking. There is a well mature hedge along the boundary to the site, which appears to have been omitted from the application. This has potential to attract a significant number of motor vehicles, with insufficient parking either on site or on the road.

Public Rights of Way Officer

The proposed change of use has no impact on the Public Right of Way Bridleway ER252 which passes adjacent to the rear of the site.

A Number of letters of objections have been received and are summarised below:

- Twenty bedrooms does not constitute a family home, more likely to be bedsits;
- This is not taking into consideration the neighbours and the village;
- There will be security issues and parking issues;
- The property has been on the market for the last two years after its closure as a residential care home and has recently been removed off the property market although not sold;
- The property would be difficult to convert back to a residential home;
- Concerns are that the developer would take the opportunity to use it as an opportunity for a commercial multi-occupancy property without seeking change of use again.
- An HMO would not be in keeping with the other properties on this scale in the village;
- There are omissions to the application as there is a hedge and leylandii hedge at the front of the property;
- There would be the removal of a hedge and a replacement fence looking into a neighbours garden;
- If this was to be bedsits there would be concerns over the increase in cars and parking, extra noise and rubbish;
- It is rumoured the hedge would be removed to increase the driveway down the side of the premises to make parking for multi occupancy to the rear of premises;
- Currently the road cannot take a possible 20 plus cars parked hampering the ingress and egress of existing premises, and will increase the risk of accidents on the road;
- Following the closure of Bracknell House as a residential home it appears the owner is struggling to sell it in its current state, despite changing estate agents and reducing the price over the past couple of years.
- The online selling brochures states its ideal for conversion so why has the applicant requested planning permission when planning permission isn't required to convert to a single residential dwelling;
- Presuming it is used as an HMO there would have to be communal parking; Helena Road is a quiet street which could not accommodate an influx or so many additional vehicles making it impassable and problematical;
- It seems the application is for the owners financial gain and not in consideration of the current residents or in keeping with the wider village layout;

Following the revised plans, the following objections were received:

- All the ground floor now seems to be reception rooms which are an improvement but some of the rooms have just been relabelled bedrooms;
- It looks like the elderly, disabled lady doesn't seem to have living and sleeping accommodation on the same floor which doesn't seem to make sense in a house of this magnitude;

- Still have concerns over the future use of this property, as it does not fit the bill of being a single residential dwelling;
- If a change of use is allowed, the property should be closely monitored and the boundary hedges should remain and adequate parking maintained on the property;
- How do four adults need all the proposed amount of bedrooms and toilets in one house, it can only mean that the HMO in due course, creating extra noise, vehicles parking in an already busy road;

Following re-advertisement:

- The building is not a residential family property
- The intention is to use the property as a house of multiple occupancy
- There is conflict regarding the boundary hedge

f) 1. The Site and Proposal

The Site

1.1 The application site is located to the north east of Helena Road within a residential area. Helena Road is characterised by a mixture of different architectural styles and designs. To the north west is 36 Helena Road, a bungalow set off the road, to the south west is a detached dwelling with an established hedgerow separating the application site from number 32 Helena Road.

1.2 The application site is a substantial building which has been used as a privately owned and run residential care home which closed in the 30th October 2015. The building has a conservatory to the front elevation to form a porch and a single storey side extension attached to the north west and visible within the street scene. To the rear there are a number of extensions including a fire escape and garden area. An established hedgerow forms the rear boundary and there is an established row of conifer trees to the front boundary.

The Proposal

1.3 Planning permission is sought for the change of use from private residential care home to single residential dwelling. The care home was privately run and was closed on the 30th October 2015 following a CQC report. The care home provided 20 bedrooms, 2 kitchens, 2 lounge/diners, 1 sitting area, and 2 conservatories. Parking was provided to the front of the property with approximately 6 spaces. The property has been vacant since the closure in 2015. The applicant has provided an email stating the property was marketed as an investment for a private dwelling by the local estate agents in Folkestone and Purple bricks agency in the period of between 2015 and 2017.

1.4 The internal alterations would see the conversion of this building into a seven bedroom dwelling, with three reception rooms, study, office, dining room, lounge and bathrooms for use by a family and an elderly dependent. The parking area will be retained to the front of the property.

1.5 The application was re-advertised following the submission of drawings showing how the potential buyers of the property wish to alter and utilise the building once the change of use has been approved and once they have purchased the building. However, this could have led to uncertainty as to whether these works are proposed as part of the current application. These works do not form part of the current application, which is for a change of use of the building only. The application was re-

advertised a second time to clarify this point. Whilst not forming a part of this application, or being conditionable, the amended drawings do indicate how the potential buyers intend to use the building as a single family dwelling.

1.6 Concerns have been raised by third parties that the intention is to use the building as a house of multiple occupation. However, should permission to be granted, this would in no way allow such a use to occur. The only lawful use which would be as a single dwellinghouse.

2. **Main Issues**

2.1 The main issues for consideration of this application are:

- The principle of the change of use in this location;
- Design and impact on the character and visual amenity of the area;
- The potential impact on residential amenity;
- Highways and parking.
- Other matters

3. **Assessment**

Principle of Development

3.1 The application site is located within the Settlement boundary of Chapel Le-Ferne and therefore falls to be assessed against Policies CP1 and DM1 of the Core Strategy. Policy CP1 identifies Capel-Le-Ferne as a local centre for development in the district; suitable for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities. For these reasons the proposal is considered to comply with these policies.

3.2 Paragraph 3.38 of the Dover District Councils Adopted Core Strategy 2010 states 'it is important to understand the purpose of housing development in a particular area as this has a substantial bearing on the approach towards appropriate design and house type issues'. Within Capel Le-Ferne there is a need to reinforce and reflect the existing character whilst taking any opportunities to improve design standards. The proposed work would provide an opportunity to reinforce the character of this residential street and improvements would be made to bring the building up to current residential standards and therefore conforms to the aims and objectives of the Dover District Core Strategy.

3.3 In addition to this the National Planning Policy Framework recognises that 'local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. They should normally approve planning applications for change of use and any associated development from commercial buildings where there is a need for additional housing in that area provided there are not strong economic reasons why such development would be inappropriate. In this instance Bracknell House was marketed between the periods of 2015 and 2017 with no interest. KCC were consulted and did not respond in respect of keeping it as a residential home. The District is short on housing supply and in its own extremely modest way, the proposal would generate an additional dwelling to add to supply in the District.

3.4 The site is located within the built confines of Capel and is in a sustainable location. The NPPF sets out that development that is sustainable development should be

approved without delay. Accordingly it is considered that the proposal is acceptable in principle.

Design and Impact on the Character and Visual Amenity of the Area

- 3.5 The application site is a residential care home within a residential street in Capel Le-Ferne. The proposal is for a change of use application and as such the proposal would not result in any physical alterations and therefore the proposed development would not have an adverse impact on the character and appearance of the street scene and is therefore considered acceptable in this respect.
- 3.6 Concerns have been raised over the loss of the hedgerow to the front of the application site and in the original submission the applicants had omitted on the planning application form that there were hedges on the site. This element of the application form has now been rectified and the applicant has confirmed the conifer trees and hedges to the front of the property are to be retained. The proposed change of use would not result in an adverse impact on the character and the visual amenity of the area as there would not be any physical alterations to the appearance of the building.

Impact on Residential Amenity

- 3.7 Bracknell house is located in a quiet residential street, therefore the use as a residential care home is abnormal in this location. The use as a residential care home would have created a degree of noise and disturbance due to the comings and goings from staff and visitors visiting the site throughout the day and night. The change of use would therefore provide a modest benefit.
- 3.8 There are no enlargements to the building and the window positions and orientations are not proposed to be altered. The proposed use is considered compatible with the adjoining residential uses and would not have an adverse effect on the amenities of the occupiers in terms of privacy or undue noise disturbance.

Highways

- 3.9 The existing parking provisions allow off street parking for approximately six cars and therefore meets the criteria required by Kent Highway Services and confirms with policy DM13 (parking provision) of the Dover District Council Core Strategy.

Other Matters

- 3.10 The original plans received did not demonstrate how the existing building would be used as a single dwelling house and concerns were raised over the potential of the building to be used as a house of multiple occupancy. Amendments were sought which demonstrate the proposed internal layout as a residential dwelling. In any case, a planning application would need to be submitted and approved for a change of use as an HMO.
- 3.11 It should be noted the use of a residential care home is classified as a C2 by the Town and Country Planning (use classes) Order 1987 (as amended). The permitted use from a C2 use could be a state funded school or registered nursery, this could be dealt with as a prior notification and has the potential to have a greater impact on the residential amenity and parking issues raised by local residents.

The Conservation of Habitats and Species Regulations 2017, Regulation 63:
Appropriate Assessment

- 3.12 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 3.13 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 3.14 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 3.15 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 3.16 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 3.17 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

4. **Conclusion**

- 4.1 At the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Bracknell House was a privately owned and run facility, the use of which could not have been safeguarded as such. Although the loss of a care home is regrettable, due to the facilities provided for an ageing population, the use has already ceased and the property lies vacant. The proposal is considered a suitable use of the land and buildings in providing much needed housing in a sustainable location and is considered accepted as there are not any overriding reasons why planning permission should not be granted.

g) **Recommendation**

- I. PERMISSION BE GRANTED subject to conditions set out to include, in summary 1) standard time restrictions 2) carried out in accordance with the approved details.
- II. The 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

Karen Evans