

a) **DOV/19/00368 – Change of use to single family dwelling - 13 Castle Street, Dover**

Reason for Report: Number of contrary responses (20 no. including Town Council)

b) **Summary of Recommendation**

Planning permission be granted

c) **Planning Policy and Guidance**

Dover District Core Strategy 2010

- DM1 - Development within the built confines.
- CP1 – Settlement Hierarchy.

National Planning Policy Framework (NPPF) 2019

- Paragraph 8 – the three objectives of sustainability.
- Paragraph 11 – presumption in favour of sustainable development.
- Paragraph 127 – achieving well-designed places.
- Paragraph 130 – permission should be refused for poor design.
- Paragraph 192-196 – Listed buildings and conservation areas

d) **Relevant Planning History**

19/00369 – Parallel LBC application for internal works to facilitate change of use to a single family dwelling – Granted.

19/01147 – Planning application for the change of use of building to a flat at first second and third floor levels and a commercial office at basement level – Granted.

19/01148 – Parallel LBC application for internal works to facilitate change of use to 1no. flat and 1no. office.

e) **Consultee and Third Party Responses**

Note – The original proposal was described as a change of use to HMO. This was amended part way through the application and the application is now for a single family dwelling. As such, a second consultation process was undertaken. The comments from both consultation periods are below with the initial response comments noted as 1) and the second consultation comments noted as 2).

Deal Town Council: 1) Objected to the change of use to allow an HMO. 2) Support but seek a condition restricting use to single family.

KCC Archaeology: No measures required (no second response)

Environment Agency: 1) Insufficient information to comment on however would only require re-consultation if the proposal is not covered by EA's standing advice. 2) No change from initial response.

DDC Environmental Health: 2) No observations on single family dwelling.

DDC Private Sector Housing: 1) Although the property only numbers 4 bedrooms it actually has 5 double rooms. We assume this will house up to 10 persons in which case there is insufficient facilities for the preparation and cooking of food. There is only 1 kitchen. If the number of occupants are limited to 5 then this would be satisfactory. The Housing Act 2004 will require the property to have an HMO licence. Otherwise the room sizes, bathroom provision and layout is satisfactory. 2) No response.

Third Party Reps: 19no. objections have been received and are summarised below:

- HMO out of keeping with historic area.
- Castle Street is the main tourist route to the castle.
- HMOs can lead to antisocial behaviour.
- Inadequate parking and waste storage.

f) **1. The Site and Proposal**

- 1.1 13 Castle Street is a three storey (plus basement), Grade II listed building which has been in use as offices for a number of years. It is of yellow brick construction with a rendered basement level set behind iron railings. It forms part of terrace of buildings in varied uses (both commercial and residential) on the north-west side of Castle Street near the junction with Maison Dieu Road. It is understood that the adjoining buildings to the north and south of the application site are in residential use.
- 1.2 The application seeks to change the use of the building from Offices (Use Class A2) to a single family dwelling. A recent permission was granted for conversion to a mixed use with a flat at ground, first and second floors and office use at basement level. There are no external alterations proposed.
- 1.3 This application has been referred to Planning Committee due to the high level of public interest in the application as originally submitted. The original application was for a change of use of the building to a House of Multiple Occupation (HMO) however, this was amended at the request of the applicants to reflect their desire to live in the property as a single family dwelling. The amended scheme was subject to a new consultation and advertisement process.

2. Main Issues

- Principle of Development
- Impact upon Heritage
- Impact on the visual amenity of the street scene
- Impact on residential amenity
- Flood Risk
- Waste
- Parking
- Use as an HMO

Assessment

Principle of Development

- 2.1 The site is within the settlement confines of Dover and the proposal is therefore compliant with Policy DM1 of the DDC Core Strategy (2010) subject to material considerations.

Heritage Considerations

- 2.2 Paragraph 189 of the NPPF states that "in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance".
- 2.3 Paragraph 195 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Where development would lead to serious harm then planning permission should be refused. Where there is less than substantial harm the consideration has to be given to the criteria set out in paragraphs 196 and 197 of the NPPF.
- 2.4 There are no physical alterations to the exterior of the application site. The internal alterations have already been approved under DOV/19/00369, the parallel application for Listed Building Consent. A change of use to restore a statutory listed building to the originally intended use is supported by the NPPF and could be seen to represent a minor enhancement to the historic significance of the listed asset. As such, it is considered that the proposal would not result in harm to the historic character and significance of the listed building nor would it result in any harm to the character and appearance of the conservation area. The proposal would accord with Paragraphs 192-197 of the NPPF.

Impact on the Visual Amenity of the Street Scene

- 2.5 As noted in Section 2.4 above, there are no external alterations proposed to the host building. Space in the vault under the front steps and within the front light well have been allocated for bin and cycle storage. The provision of these storage facilities can be secured by condition prior to the first occupation of the dwelling. This will help to safeguard the visual amenity of the street scene. Otherwise, the proposal would be unlikely to impact upon the visual amenity of the street scene. Overall therefore, the proposal is considered to be in line with Paragraphs 127 and 130 of the NPPF.

Impact on Residential Amenity

- 2.6 The proposal does not involve any additional openings or extensions and therefore, would not introduce any new opportunities for overlooking, interlooming or loss of privacy or any additional loss of light or outlook. The change of use from a commercial use to a residential use could be seen to be a minor improvement to the existing amenity of the adjoining neighbours. It is considered that there would be no harm caused to existing residential amenities and the proposal is considered to comply with Paragraph 127 (f) of the NPPF in this regard.

Flood Risk

- 2.7 The application site is within Flood Risk Zones 2 and 3, and a flood risk assessment has been submitted as part of the supporting documentation in line with the EA's standing advice. Whilst the change of use involves a change from a 'less vulnerable' use to a 'more vulnerable' use, there is no

sleeping accommodation at basement level and the flood mitigation measures posited by the applicant can be secured by condition. These measures included no sleeping accommodation at basement level, sockets above 1.0m above floor level and the boiler would be at ground floor level or above. There would also be non-return valves on the sewer pipes and drains.

Sequential and Exceptions Tests

- 2.8 Sequential Test: There is no sequentially preferable alternative as this is a modest conversion which would not increase the number of dwellings in the Flood Risk Zone.
- 2.9 Exceptions Test 1: There is an overriding public benefit as the development would revert a listed building to its original use.
- 2.10 Exceptions Test 2: The dwelling would be safe over its planned lifetime because it is adjacent to areas in Flood Risk Zone 1 with no sleeping accommodation at lower ground floor level which can be secured by condition. There are also multiple escape routes from the lower ground floor level and the upper floor levels serve as a refuge. It is noted that inclusive flood resistance and resilience would not be appropriate in this instance as the building is listed.

Waste

- 2.11 Provision has been made for the on-site storage of bins, waste and recycling. This would be located under the entrance steps in an existing vault. As previously noted, the provision of this space for waste storage can be secured by condition.

Parking

- 2.12 No off-street parking is currently provided and none is proposed by this application. As the application site is located within the urban confines of Dover, it is considered acceptable for a house of the size proposed to have a nil allocated or off-street parking provision. This would be in line with Policy DM13 of the CS.

Use as a House of Multiple Occupation (HMO)

- 2.13 Concern has been raised in a number of third party responses that permitted development rights should be removed to prevent this property, once occupied as a single family dwelling, from being converted to HMO accommodation in the future. Issues such as antisocial behaviour and waste storage provision have been noted as the reasons for such concerns. In the consultation response from Private Sector Housing, it was noted that the facilities to be provided would be adequate for HMO use providing the bedrooms were single-occupancy only. That would mean no more than 5no. individuals living in the property. This would form part of any future HMO license should the property be converted at some point in the future. As such, there would not be any more people living at the property than could be reasonably expected from a single family. The site is located in a town centre location with easy access to all services, shops and facilities. Any future intention to use the building as an HMO for more than six people would require a planning application which would be determined on its merits at that time.

- 2.14 I have also noted the concerns that Dover already has 41 licensed HMOs compared to other districts which have reduced the numbers of HMOs dramatically. There is no provision within Dover policies to actively reduce or limit the number of new HMOs and as such, it would be unreasonable to restrict permitted development rights in this instance. The originally submitted application for change of use to an HMO would likely have been recommended for conditional approval in the absence of any contrary material considerations.

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

- 2.15 All other 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.
- 2.16 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 an adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.17 Following consultation with Natural England, the identified pathway for such an adverse 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.
- 2.18 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.
- 2.19 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. Conclusion

- 3.1 The principle of the development accords with Policy DM1 of the CS. The proposal for the change of use from offices to a single family dwelling would not result in any harm to the historic interest of the host listed building, the character and appearance of the conservation area, the visual amenity of the street scene or harm existing residential amenities. As such, the proposal would accord with Paragraphs 127, 130 and 192-197 of the National Planning Policy Framework (2019) and DM1 and DM13 of the Core Strategy (2010).

g) Recommendation

I Planning Permission BE GRANTED subject to the following conditions:

- 1) 3 year time commencement
- 2) Approved plans
- 3) Provision of waste/bin storage
- 4) Provision of cycle storage area
- 5) No sleeping accommodation at lower ground floor level
- 6) Provision of flood mitigation measures

II Powers be delegated to the Head of Planning, 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

Andrew Wallace