

- a) **DOV/19/00291 – Change of use from dwelling- house to House of Multiple Occupation (HMO) for up to 9 people (sui generis) - 337 Folkestone Road, Dover**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy (CS) Policies

- DM1 - Development will be permitted within the settlement boundaries

National Planning Policy Framework 2019 (NPPF)

- Section 5 is relevant as it seeks the delivery of a sufficient supply of homes, including the size, type and tenure of housing need for different groups in the community.
- Section 8 is relevant as it seeks to promote healthy and safe communities through social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and through providing safe and accessible places.
- Section 12 is relevant as the proposal should seek to achieve well-designed places ensuring that development will function well and add to the overall quality of an area, be sympathetic to local character and history and 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.

The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development that takes into account context.

National Design Guide 2019

- This Guide provides detail and advice on how to achieve well-designed places as required by the NPPF. In this case, relevant to the determination of the application is the need to ensure that communities have a mix of home tenures and that communities are socially inclusive.

- d) **Relevant Planning History**

17/00806 – Granted, for a Lawful Development Certificate for the continued use of the building and land as a single dwelling house and garden. The decision on this LDC application confirmed that in July 2017 the building had been in use as a single family dwelling-house for at least 4 years. The evidence

suggested that the dwelling house use commenced in 2006. Prior to 2006, the building had been used as a care home following planning permission granted in 1982. Prior to 1982, the building had been in use as a guest house.

e) **Consultee and Third-Party Responses**

Town Council: Objections are raised on the negative impact on the amenity of current residents, family homes and pressure on local resources. The site is considered to be located within an area of special need as evidenced by 'Folkestone Road Hub'.

Environmental Health Officer: Has no observations.

Tree Officer: There is a tree within the front garden of the property close to its eastern boundary. The location of the tree means that there is no obvious conflict with the use of the area for car parking and its root protection area is already enveloped in hard surfacing.

Housing Options Team: The Council and the applicant have been working together to identify solutions for homeless households and provide temporary accommodation within Dover. There continues to be an increasing demand for high quality and well managed schemes to address the identified housing need. The applicant already forms a key part of how the Council discharges its homelessness duty through the provision of temporary accommodation, and has repeatedly demonstrated high quality management of their portfolio. The bookings the Council will likely place at the scheme will be low need and very typically not car owners.

Private Sector Housing Manager: The property would provide an acceptable HMO under the Housing Act for use by homeless persons. An HMO Licence has not yet been made...It would be difficult to control anti-social behaviour through a Licence. HMO licencing is about providing decent and safe accommodation to the occupiers and not about the HMO's impact on the wider community.

Police/Crime Prevention: Views Awaited

Public Representations: There have been 20 responses received from the public consultation exercise, from 17 different respondents, all of which raise objections to the application. Some of the responses have been made as the property is (and has been) in use (with up to 4 bedrooms in use) since approximately April 2019 and these responses relate to specific incidents. The objections are summarised as follows:

- Ten lettable rooms would be too many for the property
- The use gives rise to anti-social behaviour and noise and disturbance
- There are already a high number of vulnerable people in the area
- There is and will be a lack of support for the tenants
- Local people feel intimidated and have a fear of crime
- There needs to be sufficient and specific parking identified on site

Dover Society: Concerned with the lack of suitable controls over HMOs, and the ensuing problems with traffic and parking, anti-social behaviour, poor or no management of refuse collection and the general deterioration of buildings,

land and the built environment. In this case, it is noted that local residents have already been affected by anti-social behaviour and there is a concern that local Dover-based people would not benefit from the accommodation.

f)

1. **The Site and the Proposal**

- 1.1 The application property comprises a two-storey detached building, with a single storey rear extension. The building was probably built in the late 19<sup>th</sup> Century and is finished in multi stock brickwork under a slate roof. The building has a main entrance door located in the centre of the front of the building, behind a recently constructed porch, with a side access leading to a side door to the building and a shortened rear garden area. The front garden area has been laid with tarmac and is used for car parking. The rear garden area has been fenced-off close to the building so that the main rear section of the garden can only be accessed from Churchill Road, to the rear. There is no gate between the sectioned off areas and so the occupiers of the building would not be able to access that area.
- 1.2 On the eastern side of the application site boundary is Maxton Court, which is a three-storey block of flats. It too has a side access but this is wider to accommodate vehicle access and parking within a small courtyard behind the block. There are windows in the side elevation of Maxton Court, two on each floor level (6 in total). Three of these windows appear as obscure glazed.
- 1.3 The application building has already been sub-divided and its layout is as set out on the submitted floor plans. On the ground floor there are four bedrooms, a shared kitchen, a shared living room and a shared bathroom (W.C. and shower). Bedroom 1 has its own shower. Bedroom 3 has its own ensuite. Bedroom 4 is to the rear of the ground floor of the building, within the single storey rear extension. It is a larger bedroom with a small kitchenette, with its own, at grade, access from rear patio doors and its own bathroom. This room has been made available for people with physical disabilities.
- 1.4 The first floor accommodates 6 bedrooms and a shared bathroom. One of the bedrooms has an ensuite. A fire escape door in the rear of the first floor leads to a railed 'walkway' that is located on top of the single storey rear extension. The escape leads into the rear garden area.
- 1.5 At the time of the case officer's second visit to the building, there were four rooms in use. Each bedroom is served by its own window providing outlook and ventilation. Two of the first-floor bedrooms (7 & 8) have windows that face towards Maxton Court. The kitchen area contains a cooker, microwave, washing machine and sink with space for kitchen units. The living room has tables and chairs. The rear garden area has space for sitting out and clothes drying. There appears to be sufficient space along the side access or in the front garden area for communal refuse and recycling bins. Parking could be accommodated on the front garden area for 3-4 cars.
- 1.6 The application building falls within the Dover urban area within a mainly residential section of the road, comprising detached and semi-detached buildings (including flats) on the southern side of Folkestone Road and

two-storey terraced housing on the opposite side of the road. Further west there are some commercial uses including a 'take away', car showroom and vehicle repairs and servicing business. The main town centre and additional commercial uses are located further east of the application site, along Folkestone Road. There are bus stops in close proximity to the application site providing ease of access to facilities in Dover town centre and beyond.

- 1.7 The proposal is to provide sleeping and some shared/communal accommodation for temporary homeless, adult male occupiers. Although 10 bedrooms are proposed (and shown on the plans) one will be used by a permanent on-site manager. As such, the total number of temporary homeless occupiers will be 9.
- 1.8 The potential occupiers will be housed solely through Dover District Council on a temporary basis as a 'holding' facility while more suitable and permanent accommodation is found for the occupiers. It is not expected that occupiers will remain at the facility for more than a month, although a physically disabled occupier (of bedroom 4) may take longer to accommodate in new premises due to their specific requirements.
- 1.9 The on-site manager is expected to be able to regulate/monitor how the rooms and the premises are used.
- 1.10 The property will have internal HD CCTV for all the shared areas, which can be accessed by the Client Management Team and Out of Hours Team through tablets. In the event of any concerns, the applicant (Paramount) has officers placed locally that can respond to assist with any problems residents may have, twenty four hours a day, seven days a week.
- 1.11 The applicant's properties are supported by dedicated responsive, repairs resources. The applicant has its own fleet of vehicles and DIY staff, each boasting 'Paramount's' livery with all staff wearing Paramount's uniform and ID. The applicant considers that they are able to address any disrepair issue quickly and professionally.
- 1.12 It is unlikely that occupiers will have their own cars, but parking is available for the on-site manager (who has not yet been appointed) and maintenance staff.
- 1.13 No external alterations to the building are proposed.

## 2. **Main Issues**

- 2.1 The main issues are:
  - The principle of the development
  - The impact upon the character and appearance of the area
  - The impact upon residential amenity

### Principle of Development

- 2.2 The application site falls within the urban area of Dover. As such, under Policy DM1, the change of use of the building is acceptable in principle.

### Impact upon Character and Appearance

- 2.3 The building has a history of being in different residential uses. The proposed change of use seeks to retain the residential accommodation provided within the building although this will be of a different character to the previous uses. The proposal for an HMO within the context of the wider residential area would be appropriate to its residential character.
- 2.4 It is considered that with 9 well equipped bedrooms for occupiers, some shared rooms and an on-site manger's room, the proposed use will not be over-intensive for the building, and its layout is not subdivided so as to cram occupiers into the building - to maximise accommodation.
- 2.5 The number of temporary occupiers would be limited to 9 male adults.
- 2.6 In terms of how the HMO use would integrate with the residential area, there do not appear to be other similar uses within the immediate area that might give rise to an accumulation of similar uses so as to change the overall character of the area.
- 2.7 The application building already has a history of vehicles coming and going, staff and visitor parking and a degree of 'commercial' activity around either the care home or the guest house uses.
- 2.8 It is concluded therefore that the nature of the proposed use and the degree of comings and goings of staff personnel and visitors and general activity around the building, which are comparable with the previous uses, are not likely to have a material impact upon the established character and appearance of the area.
- 2.9 There are no external changes to the appearance of the building or the front parking area and as such it is not considered that the proposal would materially impact the appearance of the street scene.

### Residential Amenity

- 2.10 In response to the incidents reported through the public representations in this report, the applicant has stated that these occurred when there were 4 occupiers and no on-site manager. The building, with 4 occupiers, had not (at that stage) reverted to an HMO. The on-site manager is expected to regulate the level of comings and goings and in-house behaviour. There will be no care element to the use and the most likely visitors are those with the Council or other agencies, including the Police, to check on the welfare of the occupiers and to discuss the next stages and options for accommodation. The applicant states that it is their experience that a live-in Scheme Manager immediately brings to an end any occurrences of anti-social behaviour that could otherwise arise. These could be things such as a particular occupant's tv or radio being too loud, or losing their key and being locked outside, or any noise nuisance or disturbance later in the evening. A permanent and

experienced on-site presence is considered to be a highly effective way of making the building work in harmony with the local community along with their partners in the Housing Team at the Council.

- 2.11 The proposal is not for an 'open' HMO use but for a more regulated, restricted use of the building. The proposed planning conditions, set out later in this report, would ensure that the HMO use is not an 'open' HMO use where tenants would stay indefinitely and without on site management of their behaviour.
- 2.12 The involvement of Dover Housing Team, in placing only locally based temporarily homeless people in the building, should help regulate the use of the building. The building would not be available to non-Dover Council homeless clients.
- 2.13 It is recognised that the initial use of the building earlier this year has given rise to a degree of noise and disturbance, anti-social behaviour, intimidation and fear of crime; however, it is expected that opportunities for such incidences will be properly addressed by the on-site management arrangements. The comments of the Housing Options Team regarding the effectiveness of the applicant's operations provides a degree of comfort that the use of the building will be regulated.
- 2.14 In a relatively busy location, comparable with say, a backwater location along a side road, with pedestrians and vehicles in regular use of the footway and carriageway and in proximity to the town centre, it is not considered that the comings and goings of occupiers will be noticeable or material in the context of the location of the site. Neither is it considered that the levels of activity with visitors and staff coming and going would be materially more than with the previous guest house and care homes uses. As such, it is not considered that the levels of activity arising from the proposed use would be unduly harmful to the living conditions of the occupiers of nearby residential properties.
- 2.15 The submission of a Management Plan, which has been a Council requirement for other similar uses in Dover, could be a requirement of this planning permission, where there is an agreed and approved protocol for dealing with the management of the premises, neighbour complaints and the incidents that might arise. This should help address any perceived on-going problems or the reasons behind incidents that may have taken place.
- 2.16 Whilst inevitably this proposal, on its face, will attract concern and anxiety, it is the view of the officers that the facility will be well run in co-operation with the Dover Housing Team – and the applicant has a track record in doing this.
- 2.17 The small rear garden of the application property adjoins the rear parking courtyard of Maxton House, which did not at the time of the officer's visit appear to have informal sitting out areas. Therefore, it is unlikely that activity in the rear garden of the application site will materially affect the living conditions of the occupiers of these flats.
- 2.18 It is also considered that the presence of two bedroom windows facing toward the side elevation of Maxton Court and toward its windows, would

not give rise to undue overlooking or loss of privacy, due partly to the fact that these windows already exist and have served bedrooms/habitable rooms in the application building and partly because the windows are slightly off-set, which prevents direct inter-visibility.

- 2.19 In conclusion, it is considered that the living conditions of the occupiers of nearby residents would not be unduly harmed and should be suitably safeguarded through the imposition of planning conditions.

#### Other Matters

- 2.20 The building will provide a stepping stone for its occupiers to be placed in more permanent and suitable accommodation.
- 2.21 The housing provision will help meet a shortage in accommodation for temporary homeless persons.
- 2.22 The use will enable a degree of social interaction between different groups in the community.
- 2.23 There is unlikely to be high demand for on street parking from the potential occupiers of the building due to their homelessness and the on-site provision of 3-4 parking spaces.
- 2.24 Refuse and recycling facilities could be adequately accommodated on site.

### 3. **Conclusion**

- 3.1 The proposal needs to be weighed in the balance. In view of the need for the type of accommodation proposed, the support for the application from the Council's Housing Options team, the recognised track record of the applicant and the proposed operations and management of the building it is considered that any harm arising from the scheme would be moderate whilst the benefits of the scheme would be significant. As such, the proposal is supported as a sustainable form of development.

g)

#### **Recommendation**

- I PERMISSION BE GRANTED with the imposition of the following conditions:

i) 3 year time limit to commence development ii) The layout of the building to be in accordance with the submitted drawings iii) the use of the building to be limited to up to 9 residents (not including the onsite manager) at any one time iv) The front garden of the site shall be kept available for up to 3 parking spaces as such thereafter v) the provision of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority, and retained as such thereafter. vi) The fire escape staircase to the rear of the building shall only be used in times of emergency and not as a day to day means to access or egress the building vii) the flat roof area of the single storey rear extension shall not be used for sitting out or for any other recreational purpose, and shall only be accessed for the purposes of maintaining the roof, windows and fire escape door viii) a Management Plan shall be submitted to and

approved in writing by the local planning authority before the use first commences. The Management Plan shall set out how the applicant will partner with the Council's Housing Options Team and identify measures and a timetable to mitigate harm and address any complaints from local residents; it shall include having 24 hour on-site supervision by at least one member of staff; arrangements for holding meetings with local residents when required; monitoring how the use adapts to the local environment, and; directing staff, visitors and deliveries to park on site at the front of the property. Once approved, the Management Plan shall be implemented in full and operated for the duration of the use hereby approved. ix) The premises shall not be open to visitors (they shall not gain access to the premises) outside the following hours, on any day: 0800 hours to 2100 hours.

- II Powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

Case Officer

Vic Hester