

## AGENDA ITEM NO: 8/1(a)

<b>Parish:</b>	<b>Downham Market</b>	
<b>Proposal:</b>	<b>Conversion of hotel to 6 apartments (comprising 3 no. 1 bedroom, 1 no. 2 bedroom and 2 no. 3 bedroom); conversion of brewhouse to 1 bedroom dwelling; and proposed new 1 bedroom dwelling, with associated amenity and parking area</b>	
<b>Location:</b>	<b>Castle Hotel High Street Downham Market Norfolk</b>	
<b>Applicant:</b>	<b>The Castle Hotel (DM) Limited</b>	
<b>Case No:</b>	<b>19/02110/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 11 February 2020 Extension of Time Expiry Date: 6 March 2020</b>

**Reason for Referral to Planning Committee** – The views of the Parish Council are contrary to the Officer recommendation.

**Neighbourhood Plan:** No

### **Case Summary**

The application site is that of The Castle Hotel, which is a Grade 2 listed building on the northern corner of the mini-roundabout junction of High Street, Paradise Road and Lynn Road at the centre of Downham Market. The property also lies within the Conservation Area of the town.

This proposal seeks to convert the existing 12 bedroomed hotel into 6 No. flats; convert the single storey brewhouse in the rear yard into a 1 bedroomed dwelling and extend it to create a further similar unit. This would be a total of 8 No. dwellings.

There are minor external alterations to the main three storey building comprising of re-opening two doorways and a window; internal works involve new stud walls and creation of openings in existing studwork; plus alterations to a staircase in the north wing. The extension to the brewhouse is single storey and of similar style, materials and features as the existing building. A utilitarian double garage in the south-western corner of the courtyard is also to be demolished.

The application is accompanied by a Planning Statement, Heritage Statement, Tree Survey and Marketing information from the owner. A declaration has also been made to the effect that the applicant is a direct relation of a member of our Planning staff.

### **Key Issues**

Principle of development  
Impact upon character of the listed building and conservation area  
Parking  
Other material considerations

## **Recommendation**

**APPROVE**

### **THE APPLICATION**

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The application is accompanied by a Planning Statement, Heritage Statement, Tree Survey and Marketing information from the owner. A declaration has also been made to the effect that the applicant is a direct relation to a member of our Planning staff.

There is an accompanying application for listed building consent (ref: 19/02111/LB) which is included elsewhere in this agenda.

### **SUPPORTING CASE**

The agent has submitted the following statement in support of this application:

“In January 2016, the hotel was placed on the market with Fleurets Estate Agents as it was the Applicants intention to retire. The hotel went on the market at an initial price of £545,000. In March 2017 after little interest the Applicant changed Agents to Christies and further reduced the price. With little interest last year, the Applicant moved Agents again to KSL and reduced the price further. Each Agent has undertaken a full marketing campaign and during all this time the hotel has been advertised on Rightmove. The hotel is now currently on the market for £475,000, which is a reduction of £70,000 off the original asking price. In the four years the property has been on the market there has been little interest and no offers. The hotel continues to stay on the market during this application, but no further viewings have been forthcoming.

The Applicant did consider employing a manager to run the hotel, however, to replace the hours worked by the Applicant and his wife would have cost over £60,000 (including bonuses). The Applicants Accountant has advised against this option as the hotel's turnover could not absorb these costs and therefore the hotel would not survive.

Whilst the loss of hotel accommodation is regrettable, there is alternative holiday accommodation in Downham Market, including the Crown Hotel, the Swan Hotel, Style

Cottage B&B, Chestnut Villa Guest House and the Dial House Guest House. There is also Pilots Retreat which offers a three bedroomed holiday home. In the nearby area there is also Cherry Tree Air BNB, Andel Lodge and the Timbers Hotel, which has approximately 40 rooms.

In the 29 years the Applicant has operated the hotel, he has never known there to be an occasion when no alternative rooms have been available. Furthermore, recent research confirms that there is always sufficient number of available rooms in these alternative establishments to cope with the demand in the locality.

The Applicant is devastated that he has not been able to sell the hotel as a going concern, having put his life and soul into making the hotel a success. However, at 64 and now with health issues, the Applicant has been advised by his Doctor to retire, so has no option but to close the hotel on the 30th of March, which coincides with the end of the financial year.

The Applicant has therefore had to consider alternative options, of which resulted in developing the scheme the subject of this application. It goes without saying that early engagement with a Heritage Consultant and architect has resulted in a scheme that is not only considered to be the best alternative solution to retaining the character, appearance and integrity of the building as a Grade II Listed Building, but also the most appropriate alternative use to the loss of the hotel. The Applicant has further responded favourably to comments made by the Conservation Team and following a meeting has submitted amended plans retaining a second staircase in its current form. Therefore, whilst the closure of the hotel is inevitable, the Applicant is satisfied that the proposal will result in the long-term preservation of this Grade II Listed Building, for the enjoyment of all future occupiers, and for the streetscene, Conservation Area and wider Town Centre area.”

## **PLANNING HISTORY**

19/02111/LB: Pending decision and reported elsewhere in this agenda: LISTED BUILDING APPLICATION: Conversion of hotel to 6 apartments (comprising 3 no. 1 bedroom, 1 no. 2 bedroom and 2 no. 3 bedroom); conversion of brewhouse to 1 bedroom dwelling; and proposed new 1 bedroom dwelling, with associated amenity and parking area

15/01487/LB: Application Permitted: 18/11/15 - Listed building application for proposed alteration

## **RESPONSE TO CONSULTATION**

**Downham Market Town Council: REFUSE** - The proposed development by reason of the loss of hotel accommodation, would adversely affect the vitality and viability of Downham Market Town Centre.

**Highways Authority: NO OBJECTION**

**IDB: No comments received**

**Historic England: NO COMMENTS** - suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** – recommends informative note relating to asbestos-containing materials.

**Environmental Health & Housing – CSNN: NO OBJECTION** subject to conditions with regards to noise protection (from road traffic and shops) and a lighting scheme.

**Conservation Officer: NO OBJECTION** - In accordance with paragraph 193 of the NPPF, great weight should be given to a heritage asset's conservation. In this case, the proposed alterations will lead to 'less than substantial harm' to the significance of this heritage asset - mainly by virtue of one aspect of the proposed design, namely the removal of a staircase to the north wing. However, the long-term public benefits of securing a sustainable use for this building, without impacting upon its impressive interior, outweigh this less than substantial harm. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective (paragraphs 7 and 8); this application on balance complies with this aim.

**Arboricultural Officer: NO OBJECTION (verbally)** subject to condition that the development is carried out in accordance with the Tree Survey.

## **REPRESENTATIONS**

**ONE** item of correspondence received **OBJECTING** on the following grounds:

- Surface water drainage implications on adjoining property; and
- Insufficient parking putting additional strain on the free car park and adversely affect footfall and trade to local shops.

**ONE** item of correspondence (from The Lodge, Castle Yard) **SUPPORTING** the application, but seeking confirmation of the maintenance of a right of way through the yard for repair and maintenance purposes, and in case of emergency.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS04** - Downham Market

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

**CS12** - Environmental Assets

**Policy F1.1** - Downham Market Town Centre Area and Retailing

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

**DM9** - Community Facilities

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Design Guide 2019

### **PLANNING CONSIDERATIONS**

The key issues in considering this application are as follows:

- Principle of development
- Impact upon character of the listed building and conservation area
- Parking
- Other material considerations

#### **Principle of development**

The site lies in the town centre of Downham Market as defined in Inset F1 of the Site Allocations & Development Management Policies Plan (SADMPP). Policy F1.1 applies which states inter alia:

“...2. The Borough Council will promote this area as the prime focus in the town for retail, community and professional services, leisure, culture and entertainment. The historic character, local distinctiveness, facilities, amenity and vibrancy of the area will be maintained and enhanced, both for their own sake and to strengthen the appeal of the town centre...”

...4. Other uses which contribute to the character and vibrancy of the town centre will be encouraged, including residential (C3), and offices/light industry (B1). The development of high-quality housing in the town centre would be particularly welcomed for its contribution to its architectural quality, social mix, and economic health...”

Policy DM9 – Community Facilities – of the SADMP states:

“The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth. Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss, or if not
- b) it is no longer viable or feasible to retain the premises in a community facility use.”

This is not the last hotel within the town – The Swan Hotel and Crown Hotel remain. With regards to the stock of rentable accommodation in the locality, the loss of 12 bed spaces would not have a significant impact given its struggle to be profitable which will be further addressed below. Indeed it may be argued that its loss could consolidate and bolster the existing facilities in the town and its surrounding area. Once again the loss of a bar and restaurant, which is ancillary to the main hotel use, relative to the existing supply in the town would be relatively insignificant – The Whalebone, The Cock Tavern and Live & Let Live remain, together with several dining facilities (Dang’s Thai Restaurant, Downham Tandoori, Titash, Giardini de Naxos etc.). The town would remain suitably served by the remaining hotels, restaurants and public houses. It is clear from the information submitted as part of this application that the facility will close at the end of March anyway.

The agent’s statement of support for the application above, clearly describes the steps taken by the applicant to sell the hotel as a ‘going concern’.

The applicant informs that the property was first put on the market on the 19th of January 2016 with Fleurets Leisure Property Specialists at a figure of £545,000. The property remained on the market with them for 14 months and in which time there were only two viewings which came to nothing.

In March 2017 the property was put on the market with Christie and Co.

The Castle Hotel was originally marketed for £540,000. After 6 months it was reduced to £515,00 and after another 6 months it was reduced to £495,00. The final price with Christies was £475,000. It was on the market with them for two years in which time there were 6 viewings which also came to nothing.

In March 2019, it was marketed with KSL & LHH Solutions at an asking price of £485,000. It is at present still on the market with them and to date there have been five viewings with no offers being made.

During the whole period that the hotel has been on the market it has also been on the web site Rightmove.

Copies of the relevant marketing information from the above companies, a copy of an article in the Downham Life magazine showing the hotel for sale, and a marketing video have been viewed.

The marketing exercise has therefore been undertaken since 2016 and indeed the property is still on the market. As stated above, during that time there has been little interest and no offers received.

A summary of the business accounts has also been submitted showing the revised profit before tax for the preceding three full tax years; at 30 March 2016 there was a marginal profit of £329, with the last tax year return running at a significant deficit of £14,196.

This indicates that the hotel has not been viable for some considerable time. The alternative use as residential flats appears to be compatible with F1.1 as reported above, and would still contribute to the vibrancy of the town centre. More people living in the town centre will support the existing shops and facilities.

## **Impact upon character of the listed building and conservation area**

This issue is covered in more detail by an associated application for listed building consent (ref: 19/02111/LB), which is also contained in this agenda.

There would be limited alterations to the appearance and character of this listed building. The changes would be mainly internal with the erection of new, and openings created in existing, stud walling, plus alterations to a staircase in the north wing. A former doorway and window at ground floor would be re-opened facing into the yard area plus a doorway re-opened in the shopfront element facing onto Cannon Square. A utilitarian flat roofed double garage in the south-western corner of the yard is proposed to be demolished to create more open parking. The garage has no historic or architectural merit and its loss/removal is welcomed.

The public views of the building are maintained and only a sensitive modification introduced. The character and appearance of the building and its Conservation Area setting are preserved and indeed enhanced by the removal of the garage building.

Historic England raise no objection to this proposal and defers to the views of our specialist conservation and archaeological advisors. Our Conservation Officer makes the following conclusion with regards to the listed building application:

“In accordance with paragraph 193 of the NPPF, great weight should be given to a heritage asset's conservation. In this case, the proposed alterations will lead to ‘less than substantial harm’ to the significance of this heritage asset - mainly by virtue of one aspect of the proposed design, namely the removal of a small staircase to the north wing. However, the long-term public benefits of securing a sustainable use for this building, without impacting upon its impressive interior, outweigh this less than substantial harm. The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development and that protection and enhancement of the historic environment is an overarching objective (paragraphs 7 and 8); this application on balance complies with this aim.”

The proposal therefore accords with the provisions Paragraphs 193 & 196 of the NPPF and Policy CS12 of the LDF.

## **Parking**

The hotel has its own vehicular access off Paradise Road leading to an enclosed gravelled yard area to the west/rear containing the brewhouse and a mature Yew tree. There is currently adequate parking to cater for this existing 12 bedroomed facility. NCC parking standards indicate 12 spaces for a 12 bedroomed Class C1 use.

Altogether there will be 13 bedrooms in the proposed scheme. The NCC parking standard indicates that for 5 x 1 bed units, a 1 x 2 bed unit, and 2 x 3 bed units, 11 parking spaces should be provided (5 spaces + 2 spaces + 4 spaces). These standards are echoed in Policy DM17 of the SADMPP 2016. The layout shows 11 No. spaces dedicated for the eight residential units, hence it is considered the scheme provides adequate parking to meet the Norfolk County Council standard and the policy requirement.

Whilst the concerns of the objector are noted, the views of the technical consultee/Local Highway Authority are noted (i.e. no objection) and shared by your officers. This is also a highly sustainable location for residential units within easy walking distance from bus stops and the railway station. There are numerous examples of town centre residential/flat

developments in Downham Market which have been approved without any associated parking facilities at all.

Overall the proposal accords with the provisions of Policy DM17 of the SADMP.

### **Other material considerations**

There are no significant crime and disorder concerns raised by this proposal.

There is a mature Yew tree within the yard area and close to the former brewhouse and proposed extension. A Tree Survey produced by Golden Tree Surgeons accompanies the application which concludes that the extension can be built on a floating beam/no dig system or similar design to avoid damage to the tree. This can be secured via condition.

The right of way to the adjoining property, The Lodge, for maintenance and emergency purposes is a civil, rather than a planning, matter but space is available for that to be accommodated.

Details of how the communal garden area dedicated to the proposed flats is intended to be maintained, may be secured via condition.

Concerns regarding surface water drainage have been raised; whilst this proposal involves building an extension, the block plan shows that the yard/hardstanding area has been reduced and soft landscaped gardens introduced adjoining the Castle Yard development to the north. No comments have been received from the IDB.

CSNN have requested conditions with regards to noise protection (from road traffic and shops) and a lighting scheme; this is however a town centre site and change from hotel to residential flats would not be so significant as to warrant such conditions to be imposed. It is considered that the application of such would fail the tests to be applied to the use of conditions by virtue of being unnecessary.

Bin and cycle storage for the flats are to be contained within the existing building; the two semi-detached units in the yard will have their own separate facilities.

Flats do not have permitted development rights, but the converted brewhouse and extended unit create new separate dwellings. In order to allow the Local Planning Authority to retain control over alterations, extensions and outbuildings, permitted development rights are proposed to be removed via condition.

### **CONCLUSION**

Whilst the concerns of the Town Council are noted, the applicant has demonstrated a lengthy but unsuccessful marketing exercise to sell the premises as a going concern, and the closure of the hotel is imminent. The loss of the hotel would not be so significant upon the overall stock of accommodation offered to visitors, public houses and restaurants in this locality as to warrant a reason for refusal.

The proposed change of use, with very minor physical external and external alterations to the listed building, plus a sensitive single storey extension within the courtyard area, would constitute 8 No. additional housing units in the town centre, which would help to maintain its character and vibrancy. Its conversion into residential units would create 'less than substantial harm' to the significance of this heritage asset/listed building and the long-term



public benefits of securing a sustainable use for this building, without impacting upon its impressive interior, outweigh this less than substantial harm.

The proposal therefore accords with the provisions of the NPPF, Core Strategy Policies CS01, CS02, CS04, CS08 & CS12 of the LDF and Policies DM1, DM2, DM9, DM15, DM17 & F1.1 of the SADMPP. The application is duly recommended for approval subject to certain conditions stated below.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: 19082 10-1, 19082 11-1 & 19082 12-1.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition The development hereby approved shall be implemented in accordance with the Tree Survey prepared by Golden Tree Surgeons and submitted as part of this application.
- 3 Reason To safeguard the mature Yew tree and to accord with the provisions of the NPPF and Policy CS12 of the LDF.
- 4 Condition Prior to occupation of the development hereby approved, the associated on-site car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drain in accordance with the approved plan and retained thereafter for that specific use.
- 4 Reason To ensure the permanent provision and availability of the parking and manoeuvring areas in the interests of residential amenity and highway safety; in accordance with the provisions of the NPPF, Policies DM15 & DM17 of the SADMPP.
- 5 Condition Prior to occupation of the flats hereby approved, details of the maintenance of the associated communal garden area shown on the approved plan (Dwg No. 19082 10-1) shall have been submitted to, and agreed in writing by, the Local Planning Authority. The communal garden area shall be retained and maintained thereafter in accordance with those details agreed.
- 5 Reason In order to secure the provision and maintenance of the communal garden area in the interests of visual and residential amenity of future occupiers; and to accord with the provisions of the NPPF and Policies CS08 & CS12 of the LDF plus Policy DM15 of the SADMPP.
- 6 Condition Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, D, E & G of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwellinghouse, additions to the

roof, addition of porches, buildings etc. incidental to the enjoyment of the dwellinghouse, or chimneys, flues etc. shall not be allowed without the granting of specific planning permission.

- 6 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the appearance of the dwellings and the setting of the listed building and conservation area, if otherwise allowed by the mentioned Order.