

AGENDA ITEM NO: 8/3(a)

Parish:	Downham Market	
Proposal:	Conversion of hotel to 7 flats and HMO, amenity and parking area	
Location:	Castle Hotel High Street Downham Market Norfolk PE38 9HF	
Applicant:	C/O Agent	
Case No:	21/01148/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 24 August 2021 Extension of Time Expiry Date: 8 April 2022

Reason for Referral to Planning Committee – The views of the Town Council are contrary to the officer recommendation and at the instruction of the Planning Committee Sifting Panel.

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.

Members may recall a recent planning application and associated Listed Building application (refs: 19/02110/F & 19/02111/LB) were permitted 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 effectively created a total of 8 No. dwellings. In the interim a variation to the plans has been permitted to accommodate minor alterations to the internal layout of the flats (refs: 20/01580/F & 20/01579/LB).

The brewhouse and extension are to be implemented under the earlier permissions, however this is a new proposal to convert the main hotel building into 7 flats and a small House in Multiple Occupancy (HMO) containing 5 bedrooms, with associated parking and amenity area.

The application is accompanied by a Planning Statement & Design and Access Statement, Heritage Statement and Tree Survey.

There is an associated Listed Building application submitted under ref: 21/01150/LB which is reported separately in this agenda.

Key Issues

Principle of development
Impact upon amenity

Impact upon character of the listed building and conservation area
Impact upon neighbouring properties
Parking
Other material considerations

Recommendation

APPROVE

THE APPLICATION

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The brewhouse and extension are to be implemented under the earlier permissions, however this is a new proposal to convert the main hotel building into 7 flats and a small House in Multiple Occupancy (HMO) containing 5 bedrooms, with associated parking and amenity area.

Initially the plans showed the creation of an en-suite bedroom within the SE corner room of the HMO at ground floor level, but this internal layout was amended (swapping the kitchen/lounge and bedroom around) in response to concerns raised by both the Town Council and our Conservation Officer.

The application is accompanied by a Planning Statement & Design and Access Statement, Heritage Statement and Tree Survey.

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SUPPORTING CASE

The following statement has been made in support of this proposal:

“HMO Additional Information

We note the comments made by the Env Health Officer, about noise related issues that can be associated with some HMO's. However, we are not aware there are any specific noise related issues in relation to the application site, or in fact within the locality of the application site. It is therefore assumed the Env Health Officer's concerns are based on her general experiences with poorly or indeed unmanaged HMO's, which no doubt do cause noise issues. We suspect most of these HMO's are situated within the King's Lynn area. In the absence of site specific evidence to support the Env Health Officers comments, we

respectfully invite the Planning Officer (or Members of the Planning Committee) to give little/no weight to these general and unfocused comments, as each planning application ought to be judged on its individual and specific planning merits.

Notwithstanding the above, we confirm the HMO accommodation will be managed by The Purfleet Trust (TPT). The HMO accommodation will provide what is commonly known as 'move on' accommodation. This is to meet a much needed quite specific local demand. We respectfully submit that providing such accommodation is an integral part of the local housing need and therefore an important planning consideration that ought to be given significant weight.

We can confirm that the people who will occupy the HMO accommodation will all meet a specific criterion and sign up to an agreement, which will contain clauses relating to nuisance, noise and unsociable behaviour. Those occupying the HMO accommodation will most likely be employed and in need of short-term affordable accommodation before they move onto more longer-term accommodation.

TPT has an excellent reputation so the application site will provide an example to other landlords in terms of the standard of accommodation and management of the overall site. It is also important to note that in the lease agreement, the landlord will reserve the right to request the removal of any individual causing nuisance or noise. Therefore, between TPT's high standards and the landlord's own desires for the site to be run in harmony with the locality, it is not expected that the HMO use will cause any concerns.

Parking Provision

The number of parking spaces proposed is considered to be more than adequate and takes into account the fact that the majority of residents will use public transport as their main mode of transport."

PLANNING HISTORY

21/01150/LB: Pending decision: Conversion of hotel to 7 flats and HMO, amenity and parking area

21/00070/TREECA: Pending decision: T1 Yew - to remove within a Conservation Area

20/01580/F: Application Permitted: 14/12/20 - Variation of Condition 2 of Planning Permission 19/02110/F: 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 (Delegated decision)

20/01579/LB: Application Permitted: 14/12/20 - Listed Building Application: Additional works to previous approval 19/02111/LB (Delegated decision)

19/02110/F: Application Permitted: 02/03/20 - 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 (Committee decision)

19/02111/LB: Application Permitted: 02/03/20 - 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 (Committee decision)

RESPONSE TO CONSULTATION

Town Council: OBJECT - (Initial submission) "Downham Market Town Council recommends refusal of this planning application referring to SADMPP Ch 5 DM4; NPPF 16 185/192/193-202.

The Council comments:

The previous proposals for flats seemed at least to offer a sustainable future for this landmark heritage building, even though the closure of its best preserved historic internal features to the public was regrettable as was the loss of a town centre employer and valued facility.

The new proposals envisage switching what would have been a delightful, spacious period flat, in the historic core of the building, with fantastic internal features, into a house of multiple occupation. This as the developer's own expert admits will involve damage to the historic fabric due to the need to add en-suite bathrooms on the existing ground floor. With the HMO at its core, the remaining flats are unlikely to attract owner occupiers. We will have an iconic landmark building wholly owned by buy to let landlords, aimed at the budget end of the market, with potentially little interest in spending money to maintain the historic fabric of the building.

This is a very prominent town centre building and the consequences for the town's character and street scene could be significant. We have an example above Peacocks of neglect by absentee landlords of one historic town centre building, we do not want to add the Castle Hotel to the list.

This is a key building in the conservation area in its design appearance and layout internally and externally, and the changes imperil the Grade 2 status. Removing non-visible listed assets is reason enough to refuse the application.

(Amended scheme) No further comments received in response to amended plans.

Highways Authority: NO OBJECTION – subject to conditions relating to parking and turning provision, plus cycle parking details and provision.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION subject to conditions relating to hours of construction, noise protection and lighting.

I have some reservations regarding the proposed HMO located to the front of the property, however. Houses of multiple occupation, or HMOs, have been the subject of numerous public complaints to the CSNN Team. The main issues are all noise related, such as door slamming, heavy footsteps on stairs, kitchen cupboard doors banging shut, shouting and loud voices, plus loud music. If this team is required to take formal legal action, this is taken on the perpetrators and also the responsible person (owner) of the premises. Depending on the occupancy/tenants and level of involvement from the landlord, such premises can pose a detrimental impact on the residential amenity of others and involve a significant amount of officer time in investigating and taking action against tenants. I note the plans include an 'Estate Office'. Is this to enable on-site monitoring of the HMO? I would welcome further

information as to how the HMO will operate and how tenant activity/use will be monitored/controlled, as this could not only impact on surrounding residents, but also those ultimately occupying the 7 flats. Without adequate means of control of tenant behaviour, I would recommend that this aspect of the scheme is removed from the proposal.

If you are minded to approve the presented scheme, I strongly recommend that the applicant has robust tenancy agreements drawn up, clearly outlining how tenants, their families and their visitors should behave and the consequences of breaches of these, to reduce the likelihood of such occurrences. It would also be our recommendation to have door closure hinges installed on all internal doors to flats and communal areas to aid a controlled/soft closure, and soft-close hinges/rollers on kitchen units to prevent door/drawer slamming/banging and limit internal noise impacts.

Historic Environmental Services: NO OBJECTION - There are no known archaeological implications.

Historic England: NO COMMENTS - Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

Housing Standards Officer: NO OBJECTION - The HMO part of the building must comply with the government's minimum HMO bedroom sizes i.e.:

06.51m² for a single person

10.22m² for 2 persons

04.64m² for a person under 10 yrs.

The kitchen facilities provided should comply with the version of the Borough Council's Amenity Standards in HMOs available on our website, current at the time of construction.

When 5 or more people are occupying the HMO, it will be a licensable HMO and must be licensed with Housing Standards immediately.

Conservation Areas Advisory Panel: The Panel expressed concern about the impact of the intensity of the proposals on the historic features of the property.

Conservation Officer: NO OBJECTION - In accordance with paragraph 199 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.

REPRESENTATIONS

None received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS04 - Downham Market

CS08 - Sustainable Development

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

DM4 - Houses in Multiple Occupation

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

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

National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues in considering this application are as follows:

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 SADMPP 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.”

The principle for losing this community facility for the purposes of conversion into residential accommodation/flats was established by virtue of the earlier planning permission ref: 19/02110/F. The hotel had not been viable for some considerable time. The alternative use as residential flats appeared to be compatible with F1.1 (as reported above), and would still contribute to the vibrancy of the town centre. It was considered that more people living in the town centre would support the existing shops and facilities. This continues to be the case with 7 no. flats being created in the building.

This proposal now also involves a small 5 bedroomed House in Multiple Occupancy (HMO) within the principal, and oldest, part of the building facing the mini-roundabout. The main policy to be considered in relation to HMOs is Policy DM4 of the SADMPP which states:

“The conversion of existing dwellings to, and new development of, properties for multiple occupation may be permitted where:

- There is no adverse impact on the amenity of existing and new residents and the historic and natural environment; and
- The development and associated facilities, including bin storage, car and cycle parking, can be provided without significant detriment to the occupiers of adjoining or neighbouring properties; and
- The site is within reasonable distances to facilities, public open space, supporting services and local employment.”

These criteria are discussed in more detail below.

Impact upon amenity

Whilst the Town Council, CSNN and CAAP have raised concerns regarding the impact of the proposed HMO, the agent has supplied additional information as to the operator - The Purfleet Trust - which is a Charitable Trust and reputable provider of accommodation for the homeless. The agent has also indicated the terms of the type of tenancy agreements to be used at these premises. There is an estate office proposed in the ground floor but this is understood to be used for administration and mentoring purposes; the facility is not intended to be permanently manned.

It is accepted that there is a stigma attached to HMOs which has been the result of historic mismanagement and absentee landlords, however this type of residential accommodation in a town centre location is compatible in land use planning terms.

The room sizes (ranging from 13.7 – 32.7m²) exceed the minimum standards quoted by our Housing Standards Officer and the accommodation would be comfortable for new residents. Given the number of potential residents it will require licensing.

Incidentally there are no other registered or licensed HMOs in this part of the town, so cumulative impact is not a concern.

Impact upon character of the listed building and conservation area

This issue is covered in more detail by the associated application for listed building consent (ref: 21/01150/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 once again proposed to be demolished to create more open parking. The garage has no historic or architectural merit and its loss/removal is welcomed and has already been agreed by the earlier consents.

The majority of these internal alterations were approved under the earlier planning and listed building consents.

As stated above, bin storage and cycle parking are now proposed to be created in the yard area (opposed to being contained within the building as previously approved) along with some communal amenity space for the residents. Whilst differing from the earlier approval, this would rationalise and tidy up the former hotel utility space and yard. So there would be little change physically.

The public views of the building are maintained and indeed there are less changes/alterations to the building than previously approved – beer cellar steps and balustrading removed due to basement no longer being used as part of the accommodation. The character and appearance of the building and its Conservation Area setting are preserved and indeed enhanced by the removal of the aforementioned 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 199 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. 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 (paragraph 8); this application on balance complies with this aim.”

There are no implications relating to the natural environment.

The proposal therefore accords with the provisions of Paragraphs 199 & 200 of the NPPF and Policy CS12 of the LDF.

Impact upon neighbouring properties

As stated above, the proposal maintains a communal garden area in the walled service yard of the hotel, which is now also proposed to accommodate a bin store and cycle store (previously located within the building). The inter-relationship between the proposed development and adjoining properties is not significantly different and once again is considered to be acceptable. Full details of the bin storage enclosure and cycle store may be secured via condition.

Parking

The hotel had 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 (which is now sought to be removed under application ref: 21/00070/TREECA). Discussion with our Arboricultural Officer indicates that this proposal to remove the tree is acceptable as it has very little public amenity value being surrounded by buildings and is undermining the brewhouse. NCC parking standards were historically met by having 12 spaces for a 12 bed roomed Class C1 use (hotel).

The previously approved flat scheme involved 13 bedrooms - 5 x 1 bed units, 1 x 2 bed unit, and 2 x 3 bed units. The NCC parking standard indicates that 11 parking spaces should be provided (5 spaces + 2 spaces + 4 spaces) and the approved layout showed 11 No. spaces. These standards are echoed in Policy DM17 of the SADMPP.

The current scheme involves 2 x 1 bedroom units (brewhouse conversion plus extension), 7 x 1 bedroom flats and a 5 bedroom HMO.

The amended layout now shows 13 No. spaces – 9 spaces dedicated for the nine residential units, plus 4 spaces for the HMO. In response to consultation the Local Highway Authority (LHA) state: “the 2007 parking standards do not include HMOs but typically we would recommend that one space per bedroom be provided. However, in this case we would not have a concern as the site is located in a very sustainable location in transport terms and the on-street parking in the area is controlled by traffic waiting restrictions. I would suggest that an objection to a reduction of one space could not be substantiated, as ultimately, an impact to the public highway itself would not be realised.”

The views of the technical consultee/LHA are noted (i.e. no objection) and shared by your officers. This is 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 SADMPP.

This is a town centre location some 125m from the Market Place and the property lies very close to shops, restaurants, takeaways etc. It is situated approx. 700m from playing fields, 650m from the swimming pool, 950m from the railway station and 100m away from the church. Residents would therefore have access to all the services and employment facilities that Downham Market has to offer.

Taking the above planning matters collectively in assessing an HMO, it must be concluded that the proposal accords with the criteria of Policy DM4 of the SADMPP.

Other material considerations

There are no significant crime and disorder concerns raised by this proposal. Should issues arise, any complaints may be dealt with under the provisions of the Environmental Protection Act 1990 (to be the subject of an informative note if the application is approved).

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

CSNN have requested conditions with regards to construction hours, noise protection (from road traffic and shops plus internal sources) and a lighting scheme; this is however a town centre site and change from hotel to residential flats and small HMO would not be so significant as to warrant such conditions to be imposed. Insulation between flats/rooms is covered by separate legislation - Building Regulations. It is considered that the application of such would fail the tests to be applied to the use of conditions by virtue of not being 'necessary'.

CONCLUSION

The proposed change of use, with very minor physical external and external alterations to the listed building, would constitute 7 No. additional housing units in the town centre plus a 5-bedroomed HMO, which would help to maintain its character. Its conversion into such 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 proposed mix of residential accommodation in a town centre location is compatible in land use planning terms. There are adequate measures under separate legislation to negate any significant amenity problems should they arise.

The proposal therefore accords with the provisions of the NPPF, Core Strategy Policies CS01, CS02, CS04, CS08, CS11 & CS12 of the LDF and Policies DM1, DM2, DM4, 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: 21033 12-01, 21033 10-6 & 21033 11-4.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.

- 3 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.
- 3 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 SADMP.
- 4 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. 21033 10-6) 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.
- 4 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 SADMP.
- 5 Condition Prior to occupation of the development, the bin and cycle storage facilities shall be provided in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority. These facilities shall be maintained as approved thereafter.
- 5 Reason In order to secure adequate bin and cycle storage facilities to serve the development and that the Local Planning Authority may retain control of development and in the interests of the setting of the listed building and conservation area; in accordance with Policies CS08 & CS12 of the Core Strategy (2011) and Policies DM15 & DM17 of the SADMP (2016).