

a) **DOV/17/00698 – Change of Use of 2<sup>nd</sup> floor to dwelling - The Limes Business Centre, 6 Broad Street, Deal**

Reason for report: Called in by Councillor B Gardner

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 DM2 sets out ‘permission for changes of use or redevelopment of land and buildings currently or last in use for employment purposes will only be granted if the land or buildings are no longer viable or appropriate for employment use’.
- 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) 2012

- Paragraph 7 sets out 3 dimensions to sustainable development – the economic, social and environmental role which should not be undertaken in isolation.
- Paragraph 14 states ‘that at its heart there is a presumption in favour of sustainable development. Where the development plan is absent, silent or out of date this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the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 17 sets out the core planning principles... Planning should....
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings...”take account of the different roles and character of

different areas, promoting the viability of our main urban areas, protecting the Green Belts, around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it...”

Paragraph 23 sets out ‘planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of town centres over the plan period and amongst other things that should

- Recognise town centres as the heart of their communities and pursue policies to support their viability;
  - Recognise that residential development can play an important role in ensuring the viability of centres and set out policies to encourage residential development on appropriate sites; and
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- Paragraph 61 “Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment”.
  - Paragraph 69 “Local planning authorities should achieve places that promote development which bring together those who work, love and play in the vicinity”
  - Paragraph 70 “ To ensure integrated approach to considering the location of housing, economic uses and community’s ability and services”.
  - Paragraph 129. “Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking into account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal”.
  - Paragraphs "132 – 134."Consideration has to be given to whether there is significant harm, less than substantial harm or neutral harm to heritage assets”.
  - Paragraph “196 Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise”.
  - Paragraph 197 “in decision making local planning authorities should apply the presumption in favour of sustainable development”.

#### Other Guidance/Relevant Matters

None relevant.

#### **d) Relevant Planning History**

DOV/17/00699 – Listed Building Consent for change of use from offices to residential - Permission not required.

DOV/97/01020 – Change of use of ground floor to retail, second floor to one bedroom flat and erection of a satellite dish – Granted.

e) **Consultee and Third Party Responses**

Councillor Gardener - Objects

The town centre is where offices should be and to help the town centre work and thrive as a shopping area, developers will be encouraged to build shops on ground floor with offices above. This way shops can be shops and solicitors accountants etc. can go upstairs into first floor offices.

Deal has only just lost a number of offices further along this road, Grovenor Mansions and so Dover District Council should be protecting the other offices in the town.

Dover District Councils Principle Heritage Officer – No objection

Informative should be added advising the need for the potential need for Listed Building Consent for any physical alterations to the building, including such works as insertion of mechanical ventilation or other flues, to facilitate the change of use.

Dover District Councils Senior Environmental Health Officer – No objection  
No objection subject to condition regarding sound insulation.

Deal Town Council – No objection

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

- 1.1 The application site is located on the south west of Broad Street within the Middle Street conservation area. The location is not within primary or secondary shopping areas. To the east is a Chinese restaurant with accommodation over, to the west of The Limes is Barclays bank. The area is characterised by shop frontages at ground floor with offices and some residential accommodation over in a mixed use town centre.
- 1.2 The Limes is a grade II listed three storey property in a prominent location within Broad Street. The ground floor is currently being used as a beauty salon with the first and second floors having been used as offices.

Proposal

- 1.3 Planning permission is sought to change the use of a second floor office (B1) use with the loss of 91 square metres of office space and the creation of a two bedroom residential unit. No external or internal alterations are proposed.

**2. Main Issues**

- 2.1 The main issues for consideration of this application are:

- The principle of the change of use in this location;
- loss of employment land/housing needs
- Potential impact on heritage asset and within the street scene;
- The impact on residential amenity;

- Highways

### **3. Assessment**

#### Principle of Development

3.1 The application site is located within Deal Town Centre and within the Settlement boundary and therefore falls to be assessed against Policies CP1 and DM1 of the Core Strategy. Policy CP1 identifies Deal as a District Centre being a secondary focus for development in the district; suitable for urban scale development. Whilst policy DM1 of the Core Strategy seeks to permit land within settlement boundaries, for these reasons the proposal is considered to comply with these policies.

3.2 In addition to this the National Planning Policy Framework recognises that residential development can play an important role in ensuring the vitality and of centres, whilst seeking to achieve sustainable development. Paragraph 7 of the NPPF states "There are three dimensions to sustainable development which are economic, social and environmental" In respect of the proposed development these can be divided as set out below:

Economic role - The proposed development would bring occupants into the town centre to live and as a direct result they would use the shops and facilities thus contributing to the local economy.

Social Role - The two bedroomed flat would provide a level of housing to meet the needs of present and future generations. Given the location within the town centre, it is easily accessible to local services and would support the community's need, social and cultural well-being.

Environmental - The proposed development would make good use of an existing brownfield site. Given the central location within Deal town centre and its close proximity to public transport, this will reduce the need for car journeys.

Paragraphs 69 and 70 of the National Planning Policy Framework refers to decisions which should aim to achieve places and should provide strong neighbourhood centres, which bring together those who work, place and live in an area and ensure an integrated approach to considering location of housing.

Overall the principle of development is acceptable. However, this is subject to material considerations set out below.

#### Loss of Employment Land/Housing Needs

3.3 The proposal is for a change of use from office space which would result in the loss of 91 square metres of employment space and therefore the proposal needs to be assessed against policy DM2 of the Core Strategy. Policy DM2 sets out that permission will only be permitted for a change of use or redevelopment of land and buildings currently or last in use for employment purposes of the building if no longer viable. The applicant has undertaken a marketing exercise since May 2017 and the property is still being marketed on the agent's website and therefore there is some evidence that a marketing exercise is still being carried out, albeit so far unsuccessful.

3.4 Paragraph 3.38 of the Core Strategy 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 housing design and house type issues'. Within Deal there is a need to reflect the character of the area', within the vicinity residential accommodation is not uncommon above shops and offices. In addition to this, the core strategy at paragraph 3.43 identifies the following broad split of demand for market housing (in rounded percentages) based upon the profile of projected newly forming households in the district 2 bed homes – 35%. The proposal would contribute to this needs by an additional one, two bedroom residential unit.

- 3.5 The property has been marketed for a reasonable length of time (5 months) with no uptake. Given the small amount of office space to be lost on the second floor and that the property is within the settlement boundaries, that it would provide a dwelling in a town centre location, it is considered on balance, in this instance for the reasons set out above to be acceptable in terms of the aims and objectives of policies CP1, DM1, DM2 of the Core Strategy and the National Planning Policy Framework.

#### Potential Impact on the Heritage Asset and within the Street Scene

- 3.6 The building is a grade II listed building within the Middle Street conservation area and falls to be considered as a heritage asset in respect of paragraphs 131 -134 of the National Planning Policy Framework in which the level of harm needs to be considered. The change of use does not propose any physical alterations. There would be no harm caused to the significance of the heritage asset. The proposal is considered to have a neutral impact. Furthermore the proposed change of use would ensure the conservation and safeguarding of a heritage asset, whilst putting it to a viable use consistent with its conservation of a heritage asset. In this case the change of use is likely to be its optimum viable use, as set out at paragraph 133 of the NPPF.
- 3.7 As discussed above 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. There have been no offers on the property so far.

#### Impact on Residential Amenity

- 3.8 In such a location, there is always the potential for noise and disturbance from the comings and goings. However, this is a typical behaviour in a town centre location, and to be expected by prospective occupiers of the flat. Comments received from Dover District Councils environmental health officer state 'there is no standard governing the sound insulation properties of partitions between residential/commercial properties'. The requirement for a sound insulation scheme can be dealt with by condition.
- 3.9 All room sizes exceed the minimum standards identified in the councils flat conversion guidelines. The flat is a practical layout and would provide a good level of accommodation.

#### Highways

- 3.10 The town centre is well served by car parks and public transport. Since the site is within the town centre the proposed residential units are not required to have allocated parking spaces, in accordance with DM13.

#### Conclusion

3.11 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. It is accepted there will be a loss of some office space which is regrettable. However the proposal is within the settlement boundary and the ground floor shop would be retained. The residential use would be compatible with other uses in this location. It would meet the aims and objectives of the National Planning Policy Framework in respect of providing housing in a sustainable location, contributing towards a strong neighbourhood centre and safeguarding a heritage asset. The development proposed is considered overall to be sustainable and 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 3) full details and particulars for a sounds insulation scheme between commercial and residential parts of the development.
- 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

K Evans