

# DCL/23/44

**Application No:** 22/0855/FH

**Location of Site:** 88 Sandgate Road, Folkestone, Kent, CT20 2AA

**Development:** Change of use of first and second floor to 2 x 1 bedroom flats and 1 x 2 bedroom flat, use of basement for bin storage, insertion of 3no roof lights on rear roof slope and 1no roof light on front roof slope.

**Applicant:** Mr Mayooran Senthilmani

**Agent:** Mr Matthew Beasley

**Officer Contact:** Robert Allan

## RECOMMENDATION:

<p><b>That planning permission be granted subject to the conditions set out at the end of the report.</b></p>
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### 1. INTRODUCTION

1.1. The application is reported to Committee due to the views of Folkestone Town Council.

### 2. SITE AND SURROUNDINGS

2.1. The application property is within the defined settlement boundary of Folkestone, within the Folkestone Town Centre Area on the north side of Sandgate Road, between Bouverie Place and Cheriton place. The building is a very substantially built, three-storey property constructed of red brick with Bath stone dressings, with very steep Kent peg tile roofs, designed in the Gothic style popular in Folkestone towards the end of the 19th Century and is Grade II Listed, as well as being located within the Leas and Bayle Conservation Area.

2.2. The ground floor of the property is used as a fast-food restaurant, while the upper floors are vacant, but last used as a gym and yoga studio.

2.3. A site location plan is attached to this report as **Appendix 1**.

### 3. PROPOSAL

3.1 The application seeks full planning permission for the conversion of the existing first and second floors into residential dwellings. The proposals would include two one-bedroom apartments at first floor and one two-bedroom apartment at second floor level. The dwellings would be created through the construction of new internal dividing

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walls, four new rooflights - one to the front and three to the rear - to serve the second floor apartment.

- 3.2 The dwellings would be accessed through the existing communal entrance at ground floor level onto Sandgate Road. A bin store would be created in basement. Cycle spaces would be provided in stores at ground floor and first floor level.
- 3.3 In addition to the drawings and application form, the following documents were submitted by the applicant in support of the proposal:

## Planning Statement

This document describes the site and surrounding area, the planning history for the site, the background to the development, and details of what is proposed. It addresses the principle of development, the design and visual impact, heritage impact, considered residential amenity and cycle and car parking, before concluding that the proposals represent an acceptable form of development in compliance with development plan policies.

## Heritage Statement

The document addresses proposals for the conversion of upper floors, setting out the historic evolution of both the site and wider area, before identifying relevant heritage assets and discussing the potential for their significance to be affected by proposals. It asserts that the scheme has responded positively to the historic context of the area and results in no adverse impacts upon either the host building, wider identified heritage assets, or their setting, with the principle of conversion not considered to be at odds with the significance of the application site and/or the wider locale.

## Noise Assessment

The document seeks to address the potential impact from noise from an extract vent operated by the ground floor restaurant which runs up through the proposed residential development on the first and second floors. The assessment of the noise levels from the extract vent in the habitable space of the proposed development has been carried out and the requirement for mitigation identified, with the required sound insulation performance for the mitigation to the extract vent calculated and an example construction to achieve the criteria provided.

## **4. RELEVANT PLANNING HISTORY**

- 4.1 The relevant planning history for the site is as follows:

22/1856/FH	Listed building consent for the change of use of the first and second floor to 2 x 1 bedroom flats and 1 x 2 bedroom flat, use of basement for bin storage, insertion of 3no roof lights on rear roof slope and 1no roof light on front roof slope, and other internal works.	Decision Pending
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## 5. CONSULTATION RESPONSES

Ward Members: No comments received from Councillor Abena Akuffo-Kelly, Councillor Laura Davison or Councillor Liz McShane, none of whom sit on Planning & Licensing Committee.

5.1 The key consultation responses are summarised below.

### Consultees

**Folkestone Town Council:** Object – property should be actively marketed for 12 months prior to a change of use; change of use will create a parking demand of at least three permanent spaces instead of the short time parking currently required; over intensive use for the building.

**KCC Highways & Transportation:** No objection – There will be a significant net reduction in parking demand as gyms have a maximum parking standard of 1 space per 22 square metres whereas for apartments in this location it is a maximum of 1 space per unit (so a total of 3 parking spaces only).

**Environmental Health:** No objection – Bin storage is acceptable; mitigation required as per noise assessment.

### Local Residents Comments

5.2 Eighteen neighbours were notified of the proposed development. One representation has been received objecting on grounds that:

- Lack of parking
- Over-provision of 1-bedroom flats in the town centre exacerbates parking issues
- One of the flats is exactly the minimum allowable size
- Lack of larger accommodation makes it difficult for families to find suitable accommodation
- Rooflight would be visible and would detract from street scene
- Single roof light would interrupt symmetry of building
- No provision of garden or balcony space, which is a requirement of Policy HB3
- No suitable site within the immediate vicinity for new public open space.

5.3 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

## 6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022. The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022.

6.2 The relevant development plan policies are as follows:-

### Places and Policies Local Plan 2020

HB1	Quality Places Through Design
HB3	Internal and External Space Standards
HB8	Alterations and Extensions to Buildings
T2	Parking Standards
T5	Cycle Parking
HE1	Heritage Assets
RL2	Folkestone Main Town Centre

### Core Strategy Review 2022

SS1	District Spatial Strategy
SS3	Place-shaping and sustainable settlements strategy

6.3 The following are also material considerations to the determination of this application.

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2023

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF 2023 are relevant to this application: -

11	Presumption in favour of sustainable development
47	Applications for planning permission be determined in accordance with the development plan
94	Ensuring the vitality of town centres
136	Achieving well-designed places
201 & 208	Conserving and enhancing the historic environment

#### National Planning Policy Guidance:

Historic Environment

## 7. APPRAISAL

7.1 The main issues for consideration are:

- a) Is the development acceptable as a matter of principle?
- b) Would the development result in harm to the designated heritage assets?
- c) Is the visual impact of the development acceptable?
- d) Would the proposal have an acceptable impact on residential amenity?
- e) Is the standard of accommodation proposed acceptable?
- f) Would the proposal would result in harm to highway safety?
- g) Are the proposed refuse storage arrangements acceptable?

**a) Is the development acceptable as a matter of principle?**

7.2 The site is within the defined settlement boundary of Folkestone and in a sustainable location within walking distance of shops and services. This accords with the principles of Core Strategy Review Policies SS1 and SS3, which direct development toward existing sustainable settlements with opportunity for increased densities within the town centre.

7.3 The property is also within the Folkestone Town Centre Area and Policy RL2 of the Places and Policies Local Plan (PPLP) protects secondary shopping frontage at ground floor level, allowing for residential development on upper floors where it would enhance the vitality and viability of the centre and not lead to the loss of town centre uses or active frontages at street level.

7.4 The comments of the Folkestone Town Council are noted, but the requirement to market a site or premise for 12 months forms part of policy E2 within the Places and Policies Local Plan (PPLP), which protects existing employment sites. The aims of this policy are informed by the Council's Employment Land Review (ELR), which was focussed upon office, manufacturing, and warehousing and distribution uses. The application property was not within the sites reviewed as part of this document and would not have formed part of the review, given its outgoing use as a gym. Consequently, the policy does not apply to this proposal. As set out above, the change of use of upper floors to residential in the town centre is explicitly supported by Policy RL2, subject to it not giving rise to harm to the use of the ground floor.

7.5 Overall, as the proposal would not result in the loss of town centre uses or active frontages at street level, there is considered to be no objection to the broad principle of the development proposed in this location, subject to all other material planning considerations.

**b) Would the development result in harm to the designated heritage assets?**

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- 7.6 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the Listed Building or its setting or any special architectural or historic features it possesses. As the application site is within the Leas and Bayle Conservation Area, the requirements of section 72 (1) of the same legislation, namely the desirability of preserving or enhancing the character or appearance of that area, must also be observed.
- 7.7 The NPPF identifies that economic, social, and environmental gains should be sought jointly and simultaneously, with heritage assets conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

## *Listed Building*

- 7.8 Although there is architectural interest in the property because of the external features identified in the listing, as well as historic interest derived from the patterns of development along Sandgate Road in the 19<sup>th</sup> century, the significance of the property is primarily as part of views along Sandgate Road, where it comprises one of a number of terraced structures that were developed westwards across the Earl of Radnor's estate during the 19<sup>th</sup> century.
- 7.9 However, the property has been subject to ongoing internal alteration and reconfiguration since its initial construction, facilitating the provision of varying uses and resulting in the inevitable erosion of historic and/or architectural integrity and therefore interest. The upper levels are currently subject to long-term vacancy, resulting in an ongoing trend toward degradation, as evidenced during the site visit, which is having a negative impingement upon significance in these areas.
- 7.10 Because of the alteration and ongoing degradation, the significance of the area to be affected by the proposal is low, which when considered in combination with the limited perceptibility of the proposal from street level, would not detract from the way in which this heritage asset is appreciated nor impact upon its associated patterns of use.
- 7.11 Indeed, the proposal has been amended in conjunction with the Council's Heritage Consultant in order to ensure the preservation of the heritage asset and engender the optimum viable use of the building, with proposed rooms being configured in line with existing fabric, which is to be retained, and where fabric is proposed to be removed, the amount of removed fabric is minor and deemed necessary to facilitate the practical functioning of internal areas, in turn ensuring its long-term occupation and continued conservation. The number of roof lights proposed has been reduced also.
- 7.12 However, because of the limited alteration to fabric and layout, it is considered that there is a small amount of harm to the significance of the heritage asset, but this would be at the lower end of less than substantial. In consideration of the National Planning Policy Framework paragraph 208, this harm must be weighed against the clear public benefits of securing the structure's optimum viable use. The proposal would see the re-use of a vacant building, halt the degradation of a designated heritage asset, and make a modest contribution of three dwellings toward the housing target for the District, with associated positive impacts upon the vitality and viability of the town centre area through a mix of uses, which residential development has an important role in, all of which are considered to outweigh the less than substantial harm identified.

## *Conservation Area*

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- 7.13 The special interest of this area is derived from its predominantly commercial, mixed-use character, with Sandgate Road being defined by shops and commercial premises at ground floor with mixed-use above. To the west of Cheriton Place, properties are predominantly stucco, demonstrating their historic growth as semi-detached villas developed as part of the westward expansion of Folkestone. However, to the east of Cheriton Place, the northern extent of Sandgate Road is characterised by a three storey, red brick terrace that extends to Bouverie Place. Here, historic elevations at upper levels remain readily identifiable, however all ground floor elevations have been altered via the installation of contemporary shop fronts/signage.
- 7.14 The three storey, red brick elevation of the property contributes toward the character and appearance of the built environment in this section of Sandgate Road, with the signage at ground floor level having ensured the retention of architectural features of the property all of which further contribute toward the historic narrative and therefore significance of the evolution of this area, particularly where this has been lost across adjoining properties. Further, the mixed-use nature of the application site also reflects and contributes toward the wider character and appearance of the conservation area, when taking Sandgate Road in totality.
- 7.15 As the proposed works would be predominantly focused upon internal areas, with the roof light alterations not readily visible from the street scene, the proposal would secure the preservation and longer-term conservation of the character of the conservation area, and the impact upon the significance of the conservation area would be considered positive. Consequently, there is no requirement to trigger the requirements of paragraph 208 in respect of the conservation area.
- 7.16 Overall, subject to a suitably worded conditions to require the submission of details relating to the rooflight detail, materials, joinery details, ventilation extract vents and drainage/service runs, the proposal is considered to be acceptable with regard to preserving or enhancing the significance of both the listed building and conservation area.

## **c) Is the visual impact of the development acceptable?**

- 7.17 As discussed above, the external alterations to the property would be relatively minor in the context of the wider street scene and the building itself, and are not readily visible within the street scene, being at roof level and behind a parapet in the case of the front roof light, or on the rear elevation in the case of the other roof lights.
- 7.18 Overall, given the limited extent of external alterations, the proposal is considered acceptable regarding the visual character of the building, the surrounding development, and the street scene, in accordance with Places and Policies Local Plan HB1.

## **d) Would the proposal have an acceptable impact on residential amenity?**

- 7.19 Policy HB1 states that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.
- 7.20 The creation of additional residential uses would be unlikely to have any significant impact for the existing residential uses in the area in respect of noise and disturbance,

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especially when compared to the outgoing gym use and when taken in the context of a town centre location. The proposed use and associated alterations would not result in any additional overlooking or loss of privacy given the tight, urban location the property is within, and the existing relationship between the properties.

7.21 Paragraph 193 of the NPPF sets out that planning decisions should ensure that new development can be integrated effectively with existing businesses, with these not having unreasonable restrictions placed on them because of development permitted after they were established.

7.22 The proposal would be immediately above an established commercial use, and a noise assessment has been submitted to demonstrate that future occupiers of the proposed unit would not be detrimentally impacted by this relationship and that the uses could reasonably co-exist. This has been reviewed by the Environmental Health Officer, concluding that this relationship would be acceptable, subject to appropriately worded conditions to secure appropriate mitigation as set out within the report.

## **e) Is the standard of accommodation proposed acceptable?**

7.23 The space standard must be applied to the creation of new dwellings via conversion. The submitted drawings show the proposed flats would meet the required standards for gross internal area (GIA). All habitable rooms shown for the proposed dwellings have a window, and an acceptable level of natural daylight and outlook would be afforded to future occupiers overall, with adequate space for furniture, movement and storage.

7.24 It is acknowledged that there are no balcony areas or private amenity space proposed for the flats with no space in the immediate locality to provide additional communal or public open space. Places and Policies Local Plan policy HB3 acknowledges that for certain types of conversions, including those of heritage assets or buildings in Conservation Areas, the provision of balconies may not be appropriate, and the surrounding development does not generally have balconies at upper floor levels, with the creation of these likely to appear incongruous on the building itself and within the street scene, harmful to both the listed building and the conservation area..

7.25 The lack of external amenity space for all units is acknowledged. However, the prevalent form of development in this tight-knit urban environment where balconies would appear incongruous, together with a lack of space for the provision of new public open space must be noted. Further, the application site is in proximity to The Leas public open space, which could be used by future occupiers and the wider public benefits of the proposal in bringing the upper floors of the designated heritage asset into an optimum viable use, which will safeguard against further degradation of designated heritage assets in the form of the listed building and the conservation area, is also noted. The proposal would make a modest contribution of three dwellings toward the housing target for the District and have a positive impact upon the vitality and viability of the town centre area through fostering a mix of uses. Cumulatively, this is considered to outweigh the identified issue, in this instance.

## **f) Would the proposal result in harm to highway safety?**

7.26 Under adopted parking standards, the outgoing use as a gym has a parking demand of approximately 10/11 cars. The proposed use as three flats has a parking demand of 3 cars. Consequently, in policy terms, there is a net reduction in parking demand of



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at least 7 vehicles. Further, being within the designated town centre, the nature of parking guidance is maximum, with reduced, or nil provision encouraged in these areas where the dwellings are located within walking distance of shops and services.

- 7.27 Consequently, the proposal is considered to comply with adopted parking standards in policy T2 and would not be refusable on these grounds.
- 7.28 Secure, covered cycle parking is shown on the provided plans at both ground and first floor level that would serve the proposal, although full details would be required via condition. The proposal would therefore accord with policy T5 of the PPLP.

## **g) Are the proposed refuse storage arrangements acceptable?**

- 7.29 In relation to refuse and recycling, there is no external waste storage area or outdoor space for residential wheeled waste bins but there is a dedicated area to store waste proposed in the basement, accessed via the existing internal stairway, which would allow waste to be stored until collection days and which would be adequate to serve the development and can be secured via suitably worded condition.

## **Environmental Impact Assessment**

- 7.30 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

## **Local Finance Considerations**

- 7.31 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.32 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This proposal is CIL liable and is located in Zone B, where the levy is charged at £67.55 per sqm.

## **Human Rights**

- 7.33 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

## Public Sector Equality Duty

7.34 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

## Working with the applicant

7.35 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## 8. CONCLUSION

8.1 The proposal would result in the creation of three additional units of accommodation within a vacant former gym premises. The principle of the development in this location is acceptable, whilst the less than substantial harm to the significance of the listed building and the lack of external amenity space is considered to be outweighed by the wider public benefits of bringing the upper floors of the designated heritage asset back into use to safeguard against further degradation of designated heritage assets, with a modest contribution of three dwellings toward the housing target for the District, as well as a positive impact upon the vitality and viability of the town centre area through fostering a mix of uses. The amenity of existing occupiers and surrounding uses is considered safeguarded, with no parking or highway issues, and all other material planning considerations considered acceptable and in accordance with adopted policy.

8.2 Overall, it is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

## 9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## 10. RECOMMENDATIONS

**That planning permission is approved subject to the following conditions:**

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1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

0022-PL07 Proposed Site Plan  
0022-PL08 Proposed Basement & Ground Floor Plan  
0022-PL09 Proposed First Floor Plan  
0022-PL10 Proposed Second Floor Plan  
0022-PL11 Proposed Roof Plan  
0022-PL12 Proposed Front Elevation  
0022-PL13 Proposed Rear Elevation

**Reason:** For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3. Prior to construction of any external surfaces, inclusive of rooflights, details of the external finishing materials and colours to be used on the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

**Reason:** In the interest of visual amenity and safeguarding designated heritage assets.

4. Prior to their installation, full details of any external piping, service runs, vents and outlets, and the method of ventilation of the basement bin store area and external colour shall have been submitted to and approved in writing by the Local Planning Authority, with the development only to be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases.

**Reason:** In the interest of preserving or enhancing the character and appearance of the conservation area

5. Prior to first occupation details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day shall have been

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submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

**Reason:** In the interest of sustainable development and minimising water consumption.

6. Full details of the secure, covered cycle storage, at a ratio of one space per bedroom, shall be submitted to and approved in writing by the Local Planning Authority, with such details as approved provided in full prior to first occupation of the dwellings hereby approved, and thereafter retained.

**Reason:** In the interest of visual and residential amenity, as well as encouraging the use of sustainable modes of transport other than private motor vehicle.

7. The refuse / recycling store area shall be provided in full prior to first occupation of any dwelling or dwellings hereby approved, and thereafter retained.

**Reason:** In the interests of visual and residential amenity.

8. Prior to first occupation of the dwellings hereby approved the mitigation measures identified in the F1 Acoustics Noise Assessment, Revision 0, dated 1 April 2022, shall have been carried out in full and shall thereafter be maintained as such.

**Reason:** In the interests of residential amenity.