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Application No: 22/1856/FH

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

Development: 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.

Applicant: Mr Mayooran Senthilmani

Agent: Mr Matthew Beasley

Officer Contact: Robert Allan

RECOMMENDATION:

<p>That listed building consent be granted subject to the conditions set out at the end of the report.</p>

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 Listed Building Consent for works in association with the proposed change of use and conversion of the existing first and second floors into residential dwellings (subject of planning application 22/0855/FH). The proposals

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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 walls, four new rooflights - one to the front and three to the rear - to serve the second-floor apartment. Existing suspended ceilings, a modern addition, would be removed.

- 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/lockers 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:

Design and Access Statement

This document describes the site and surrounding area, the background to the development, and details of what is proposed. At a high level, it addresses the design and visual impact, heritage impact, layout, form and scale, daylight and ventilation, residential amenity, access, cycle and car parking, and the sustainability of the project.

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.

4. RELEVANT PLANNING HISTORY

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

22/0855/FH	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..	Under consideration
Y03/0615/SH	Listed building consent for internal alterations to the second floor.	Approved with conditions

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 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 fine; mitigation required as per noise assessment.

Local Residents Comments

5.2 Two representations 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
- Appropriate building materials for a listed building should be used
- Features should be repaired
- Unsuitable doors and windows should not be allowed
- Roof should be Kent peg tiles
- Vestigial fittings should be saved

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

HE1 Heritage Assets

Core Strategy Review 2022

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
- 201 & 208 Conserving and enhancing the historic environment

National Planning Policy Guidance:

Historic Environment

7. APPRAISAL

7.1 The main issue for consideration is whether the development would result in harm to the Heritage Asset (Listed Building):

7.2 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.

7.3 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.

7.4 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

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development along Sandgate Road in the 19th 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 19th century.

- 7.5 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.
- 7.6 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, with the parapet wall obscuring the majority of the proposed roof light in the front roof slope, it would not detract from the way in which this heritage asset is appreciated nor impact upon its associated patterns of use.
- 7.7 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.
- 7.8 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.
- 7.9 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.
- 7.10 Overall, subject to suitably worded conditions to cover the submission of details relating to the rooflight detail, materials, ventilation extract vents, drainage/service runs, and internal joinery, the proposal is considered to be acceptable with regard to preserving or enhancing the significance of the listed building.

Environmental Impact Assessment

- 7.11 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

- 7.12 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.
- 7.13 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.

Human Rights

- 7.14 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

- 7.15 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

- 7.16 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

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- 8.1 The proposal would result in the creation of three additional units of accommodation within a vacant former gym premises. The less than substantial harm to the fabric of the building 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 its further degradation, 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.
- 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 listed building consent is granted subject to the following conditions:

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby approved 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 works.

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

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Reason: In the interest of preserving the special architectural or historic interest of the listed building.

4. Prior to their installation, full details of any external or internal 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 works 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 the special architectural or historic interest of the listed building.

5. Prior to installation, detailed drawings at a suggested scale of 1:5 of all new joinery work and fittings together with sections shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving the special architectural or historic interest of the listed building.