

Application No: Y16/0584/SH

Location of Site: 44 Sandgate High Street Sandgate Folkestone Kent

Development: Change of use from shop (Class A1) to studio flat (Class C3)

Applicant: Ms M Prottengeier
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Agent: Mr J Smith
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Date Valid: 16.05.16

Expiry Date: 11.07.16

Date of Committee: 25.10.16

Officer Contact: Miss Beth Lennon

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.
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1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of the ground floor of the property from a shop (Class A1) to a studio flat (Class C3).
- 1.2 The existing ground floor of the property is laid out as a shop unit at the front with a shower room to the rear which was approved under planning permission Y13/0972/SH. It is proposed that the property would remain open plan as a studio flat to accommodate the living and sleeping area with a small kitchen area to the rear of the flat, adjacent to the existing shower room. A demountable screen is proposed at the front of the unit to allow the future occupants privacy, enabling the shop front and its window to remain unaltered. It is not considered that this would require listed building consent.
- 1.3 No external or internal alterations are proposed under this application and, as such, it is considered that listed building consent is not required for the proposed development.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site is a three storey terrace property situated within the settlement of Sandgate on the main high street. The building is a Grade II Listed Building located within the designated Conservation Area. The area is also identified as having archaeological potential and is within an area at risk from landslip.
- 2.2 The ground floor of the property is an existing retail unit and is occupied by a clothing store. The rear of the ground floor was converted to residential under planning permission Y13/0972/SH and forms part of a maisonette flat with part of the first floor. The upper floors are also in residential use with a total of two flats in the existing building.

3.0 RELEVANT PLANNING HISTORY

- Y13/0972/SH - Change of use of part ground and part first floors to form a self-contained flat together with addition of flue to rear roof slope and retention of existing external staircase. Approved with Conditions. 18th February 2014
- Y13/0971/SH - Listed building consent for internal alterations in connection with the proposed change of use of part ground and part first floors to a self-contained flat including addition of external staircase to access first floor accommodation and provision of a flue to rear roof slope. Approved with Conditions. 18th February 2014
- 86/0395/SH - Listed building consent for alterations to front elevation. Approved. 30th May 1986
- 86/0371/SH - Installation of a new shop front (as amplified by letter dated 28th April 1986). Approved. 26th May 1986
- 82/0517/SH - Erection of a first floor link and an external stairway. Approved. 12th August 1982
- 82/0564/SH - Alterations. Approved. 12th August 1982

4.0 CONSULTATION RESPONSES

4.1 Sandgate Parish Council

Object - on the grounds that there is a need to keep commercial properties in the high street. This is reflected in the Design Statement (p28). Also, query whether the rental price, being offered by the owner, is at a commercially appropriate rate.

4.2 Environmental Health

No Objection

4.3 K.C.C. - Archaeology

In this instance I would suggest that no archaeological measures are required.

4.4 Listed Building Consultant

The building appears to have originally been a three storey timber framed and weatherboarded house, which may have been re-fronted during the c19th with a rendered brick façade above a Victorian shopfront, with canted bays at both first and second floor. The shopfront is traditional with a projecting display window in three large panes with a fascia cornice under a lead flat roof projecting some 900mm from the face of the building above. The doorway is recessed back on the line of the building with stone steps leading up to it.

This arrangement suggests that this building was originally a house, refurbished in the early c19th and with the shopfront inserted later in the c19th, pulled forward from the face of the house, possibly replacing another canted bay under the ones on first and second floor. The shopfront however is traditionally detailed and is of some merit in its own right.

Whilst the loss of another shop unit from Sandgate High Street will diminish its attractiveness as a local shopping centre – the fact that it is being proposed is a symptom of the changes and decline of traditional shopping streets generally.

The proposal is modest. No changes to the arrangements within the shop (which is already open with a shower/WC in the rear corner).

A timber dado screen 1.2m high is the proposed method of dealing with the lack of privacy resulting from the large shopfront windows. This is akin to the inner screens found in some shopfronts. Not harmful in itself, it will need to be properly detailed.

My concern is however how the proposed flat unit will meet the requirements of Building Regulations. The proposal does not show any openable windows and the regulations require an openable area of 1/20 of the room size. This will need to be accommodated in the shopfront yet nothing is shown. There will also need to be a vent extract for the shower room and the new kitchen. How will this be accommodated?

Recommendation - Revert to application requesting further information on the provisions of ventilation of kitchen, bathroom and general ventilation of the room.

I do not consider the demountable screen to need a listed building consent application.

4.5 Building Control Officer

This application will not need the Latchgate condition applied

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 23.06.2016

5.2 Neighbours notified of additional information regarding the marketing of the unit. Expiry date 12.07.2016

5.3 Site Notice. Expiry date 01.07.2016

5.4 Press Notice. Expiry date 30.06.216

6.0 REPRESENTATIONS

6.1 1 email received from a Sandgate Parish Councillor objecting to the application on- the following summarised grounds:

- The additional photos added by the agent do not demonstrate that there has been a substantial or reasonable effort to market the commercial unit at market rent
- There have been a number of attempts to respond to adverts to enquire as to the cost / terms of the commercial units, which have received no reply
- Putting an advertisement in the window of the shop does not constitute a reasonable attempt to let the property
- A number of other units in Sandgate High Street have been recently acquired and re-opened for commercial purposes. There is a clear interest in commercial space in Sandgate High Street.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, HO1, BE1, BE4, BE5, U1, U4, TR5 and TR12

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS2 and SS3

- 7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework paragraphs: 7, 8, 9, 14, 17, 23, 32, 49, 51, 128

National Planning Policy Guidance

Kent Design Guide

Sandgate Village Design Statement 2013 Supplementary Document (SPD)

8.0 APPRAISAL

Relevant Material Planning Considerations

- 8.1 The key issues to be considered in the determination of this application are the principle of the conversion of the building and the loss of the shop in terms of general planning policy; the impact upon the residential amenities of both future and existing residents; and highway and transportation matters.

Policy

- 8.2 The site is located within the Sandgate settlement boundary as defined in the Core Strategy Policies Map, and is covered by saved policy HO1 of the Local Plan Review, to which the conversion of existing buildings, particularly where this would result in the preservation of a building of architectural or historic interest is acceptable. Sandgate is not identified as a primary or secondary shopping area in the Local Plan and there is no policy that seeks to retain such uses outside of these identified shopping areas. Therefore, there are no policy grounds for refusing planning permission on the ground of the loss of the retail use.
- 8.3 Other main policy considerations to take account of are the visual impact upon the conservation area where policy BE4 requires developments to conserve or enhance the character and appearance of conservation areas. Saved policy BE5 seeks to preserve and enhance the special architectural and historic interest of listed buildings and their settings. Saved policy BE1 seeks for a high standard of layout and design for all new development. With regard to highways policies, saved policy TR5 refers to bicycle parking and TR12 refers to car parking standards. Policies U1 and U4 cover drainage and consideration of residential amenity is required under saved policy SD1.
- 8.4 At a national level, the National Planning Policy Framework: 2012 sets out a presumption in favour of sustainable development, delivering a wide choice of quality housing, bringing empty buildings into use together with the protection of architecturally and historically important features.
- 8.5 The Sandgate Village Design Statement was adopted by the Council as a Supplementary Planning Document in June 2013. The statement highlights the importance of protecting conservation areas by only allowing development which preserves or enhances their character and appearance.

It also identified a series of character areas for Sandgate and under these the application site lies within the High Street Character Area. The statement advises that Sandgate High Street has a strong commercial character with a wide range of building styles and a number of particularly fine individual and groups of buildings which contribute positively, both in themselves, and the important streetscape contribution that afford to views along the street. The most relevant policies from the statement in relation to this application are SDS4 Conservation Area, SDS5 Character Areas and SDS8 Land Stability.

Principle of Residential Conversion

- 8.6 In terms of the principle of the conversion, the change of use to a studio flat is considered acceptable under saved Local Plan Review policies HO1 and SD1 which allow the conversion of existing buildings where it makes good use of previously developed and brownfield land / buildings and / or would result in the preservation of a building of architectural or historic interest.
- 8.7 The NPPF also advises in paragraph 49 that housing applications should be considered in the context of the presumption of sustainable development and in accordance with paragraph 51 which seeks to bring back into use empty buildings and make efficient use of existing housing stock. To promote sustainable development and prioritise urban regeneration, a target is set for at least 65% of dwellings to be provided on previously developed land by the end of 2030/31 (Core Strategy policy SS2).
- 8.8 It is considered that the site is located within a central urban area that benefits from town services and amenities with good pedestrian and vehicular connectivity as well as a public bus service.
- 8.9 The internal layout complies with the minimum standards for properties undergoing conversion to self contained flats and the flat would contribute to the mix of housing within the district, ideally situated to single / couple orientated accommodation. The Listed Building Consultant expressed concerns over ventilation within the flat and whether these would meet the requirements within building regulations. Building Control have confirmed that under Part F (ventilation) of Building Regulations rapid ventilation equivalent to 1/20th of the floor area is required, this can include external doors. It is therefore considered that the existing fan light window and external door provide enough ventilation to satisfy Building Regulations.
- 8.10 With regard to the objection relating to the loss of an existing retail use, Sandgate High Street is not identified as a primary or secondary or secondary shopping area where there is a need to safeguard aground floor retail or business uses in the local plan. As such, there is no policy requirement to keep the ground floor use as retail or other business use and it would be unreasonable to refuse planning permission on this ground
- 8.11 It is therefore considered that the principle of the conversion of the ground floor to a self contained flat is acceptable in accordance with saved policies SD1 and HO1 of the Local Plan Review, Core Strategy Policy SS2 and the NPPF: 2012.

Visual Impact

- 8.12 No. 44 Sandgate High Street is a Grade II Listed Building located within the Sandgate Conservation Area. Both national and local policies seek to safeguard the architectural and historic interest of listed buildings and the character and appearance of conservation areas.
- 8.13 The site is covered by the Sandgate Village Design Statement which was adopted as a Supplementary Planning Document in June 2013. This document covers many general design principles for the area, many of which do not directly relate to this application as there are no external alterations proposed. A timber panelled screen is proposed to deal with the lack of privacy for the future occupier(s) from the large shop window. The Council's Listed Building Consultant has been consulted on the application and has confirmed that the proposed screen would not require Listed Building Consent. As this will be visible from Sandgate High Street, it is considered appropriate to secure further details of this by condition.
- 8.14 It is noted that ventilation and extraction is already in place for the shower room to the rear of the ground floor, but no details have been submitted as to whether the proposed kitchen would require additional ventilation / extraction to serve it. The agent has advised that the kitchen would be ventilated via a cooker hood which would connect to the existing bathroom extraction duct which would be sufficient to serve both rooms. It is considered reasonable to secure details of any proposed ventilation by condition to ensure that any ventilation installed will be sufficient to serve both the kitchen and bathroom and assess the impact on the Listed Building.

Neighbouring Amenity

- 8.15 In terms of residential amenities, it is considered that the proposed development would safeguard the amenities of surrounding residents. It is considered that a residential use would be appropriate within this mixed use area which already has many similar houses, maisonettes and flats. The building currently has a residential use and it is considered that the change from a retail use to a studio flat would be a less intensive use and result in less noise disturbance and lower footfall than generated by the commercial use.
- 8.16 There are no extensions or external alterations proposed. There would be no harmful loss of privacy as the positioning of windows would not change and existing outlooks would remain the same.
- 8.17 Although there would be no amenity space for the future occupants of the studio flat, this is not a policy requirement and is not unusual for such self contained flats within an urban area such as this where there is limited space.

8.18 It is therefore considered that the development would safeguard the amenities of residents in accordance with saved Local Plan review policy SD1.

Highways

8.19 With regards to location and wider sustainable connectivity, the site is located within the centre of Sandgate and benefits from good connectivity with access to road and pedestrian footpath networks and close to local services. The site also benefits from public transport services with a bus stop on the A259 within close walking distance. As such, the site is considered to be a sustainable location in transport terms.

8.20 In terms of car parking, the existing use does not have any off street parking and the proposed development does not provide any either. However, some on street parking is available within the local area and there is a public car park nearby in Castle Road to the east of the site. Nevertheless, in the absence of off street parking, this is considered acceptable given the sustainable town centre location where occupiers would not necessarily need to use a car. To promote alternative means of transport, the development also proposes cycle parking facilities in the existing basement area which would be directly accessible from the proposed studio flat. As this space of cycle parking has not been shown on the submitted plans, it is considered reasonable to secure the location of this cycle parking by condition.

8.21 It is noted that policy SD11 of the Sandgate Design Statement requires all planning applications to demonstrate adequate off-road parking provision in accordance with car parking standards. Parking standard IG3 recommends 1 vehicle parking space for 1 bed flats and 1 vehicle parking space for every 25sqm of retail floor space. The existing floor area of the shop is greater than 25 sqm, it is therefore considered that the proposed 1 bed flat would have lower parking requirements than the existing retail unit. The development is therefore likely to result in a reduction of vehicles compared to the existing use as a retail unit. Therefore it is considered that the development is acceptable in this regard.

Local finance considerations

8.22 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.

8.23 The New Homes Bonus Scheme provides money to the Council to be paid when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first six

years through the New Homes Bonus. The Government has consulted councils earlier in the year seeking to reform the New Homes Bonus to be paid over 4 years instead of 6 years, with a possible transition to 5 years. As such only a 4 year value for the New Homes Bonus has been calculated. In this case, an estimated value of the New Homes Bonus as a result of the proposed development would be £0.8x per annum for 4 years, (subject to consultation outcome). New Homes Bonus payments are not considered to be a material consideration in the determination of this application.

- 8.24 In accordance with policy SS5 of the Shepway 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 application is not liable for the CIL charge as it is a change of use and would not create any additional floor space.

Human Rights

- 8.25 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.

- 8.26 This application is reported to Committee given the views of Sandgate Parish Council.

9.0 SUMMARY

- 9.1 This application seeks planning permission for the change of use and conversion of the property from a retail use on the ground floor to a self contained studio flat, with no external alterations.
- 9.2 The development proposed will make efficient use of an existing building and previously developed site to create one self contained flat that conforms to the Council's minimum standards for properties undergoing conversion to self contained flats and that would contribute to the mix of housing stock in the area. There would be no external alterations and it is therefore considered that the proposed works would preserve the existing character and appearance of the conservation area. It is also considered that the development would safeguard the amenities of residents. There are no adverse highway issues and no change to existing drainage is proposed. Lastly, it is considered that the development conforms with the Sandgate Village Design Statement.

9.3 It is therefore considered that the development is sustainable and conforms with the local plan and NPPF and therefore is recommended for approval subject to condition which are set out below.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions:

1. Standard Three Year Condition
2. Approved plans.
3. Details of demountable screen and means of attaching
4. Provision and retention of cycle parking - details to be submitted
5. Provision and retention of refuse / recyclables storage - details to be submitted
6. Ventilation - details to be submitted

Decision of Committee

Y16/0584/SH
44 Sandgate High Street
Sandgate



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