

Application No: Y17/1370/SH

Location of Site: 17 Sandgate High Street Sandgate Kent CT20 3BD

Development: Change of use of ground floor and basement from retail (Class A1) to self contained flat and associated alterations to the facade, together with installation of a rear dormer and other external alterations in connection with alterations to internal layout of existing upper floor flats, and installation of weatherboarding.

Applicant: Mr Martin Jordan

Agent: Mr Giles Fitch
Blueprint Projects
8 James Close
Lyminge
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Kent
CT18 8NL

Date Valid: 26.10.17

Expiry Date: 21.12.17

Date of Committee: 19.12.17

Officer Contact: Katy Claw

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| 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 shop and basement to a residential flat together with proposed alterations to the internal layout of the existing upper floor flats. The proposal also includes alterations to the shopfront façade, the installation of a rear dormer window, a small second floor extension and weatherboarding to part of the rear elevation. (Colour to be determined).
- 1.2 The proposed ground floor flat would be accessed via Sandgate High Street by repositioning the existing central entrance door to one side and the existing flats will retain their entrance on the same front elevation. Refuse storage is located to the rear of the building at ground floor level and this would continue to be the case under this application. The rear amenity area measures 4m in length by 1.35m in width. It is considered that this would provide sufficient space for the required refuse storage.
- 1.3 Concerning the internal layout, the proposed ground floor flat would comprise an enclosed entrance porch which leads into a combined living room, dining area and kitchen space with a separate bedroom, bathroom and utility area.

A new internal staircase will allow for access to the basement where a games room, bathroom and TV room are proposed. At first, second and third floor the existing flats would remain with some internal alterations to the proposed layouts for which planning permission is not required.

- 1.4 Some external alterations are also proposed. On the front elevation, alterations are proposed to the existing shop front and the fenestration would be altered to relocate the existing ground floor entrance door together with the formation of two large glass panels and new columns to match the existing. A conservation style rooflight is also proposed to the front roof slope. To the rear, the existing extension at second floor would be extended widthways to provide a small vestibule area to allow access out onto the rear terrace and the terrace would have a new balustrade installed. At roof level (third floor) it is proposed to construct a large pitched roof dormer window which would replace the existing, smaller dormer window. Part of the rear elevation would also have the render façade replaced with weatherboarding.
- 1.5 The front and rear elevation contain uPVC windows, however, the new door and windows on the front elevation to the proposed flat would be of timber construction.

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 This application site is located on the edge of the centre of Sandgate. The site is located on the south side of the road at the bottom of Sandgate Hill and within Sandgate High Street conservation area.
- 2.2 The property is three stories in height with attic space and basement level. It fronts onto Sandgate High Street and forms part of a long terrace of properties of similar scale and appearance. To the rear is Castle Road which is predominantly a residential road. Opposite the site is Enbrook Park and Saga. The property at ground floor and basement is currently empty. It was last used as a shop at ground floor with storage in the basement.

3.0 RELEVANT PLANNING HISTORY

There is no planning history for this property.

4.0 CONSULTATION RESPONSES

- 4.1 Sandgate Parish Council
Objection

Reason: there is a high demand for commercial properties in Sandgate High Street. Every property that is marketed is let within weeks. There are no vacant properties in the High Street that have been properly marketed. Reports from SDC officers that Sandgate High Street is in any way struggling are wrong and need to be corrected as a matter of urgency. SDC's own emerging local plan would give the High Street some protected status and we therefore urge SDC

to respect that emerging policy and to refuse this application. Should this application be approved there would be three residential properties in a row on the High Street which would be in contravention of the emerging policy. The owners have failed to market the property as a viable commercial business.

5.0 PUBLICITY

5.1 Neighbours notified by letter. Expiry date 22.11.2017

5.2 Site Notice. Expiry date 08.12.2017

5.3 Press Notice. Expiry date 07.12.2017

6.0 REPRESENTATIONS

6.1 1 letter received objecting to the application on the following summarised grounds:

- Retail shops bring life to a community, this is why the new draft policy seeks to retain outlets. Although only in draft form this shows intention and this intention should be considered when deciding on the application.
- Sandgate High Street has three retail outlets that have been given permission for residential use (No. 42, 44 and 46) If this application is given the same permission there will be another three in a row.
- Sandgate has good parking facilities for the local retail business which have increased in recent years. We are all aware of the impact supermarkets have made on our smaller communities. Local council policies are key to their survival.

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, BE1, BE4, BE8, BE19, HO1, TR12

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

DSD, SS1, SS3

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework (NPPF) Paragraphs 12, 49, 51
National Planning Policy Guidance (NPPG)
Sandgate Village Design Statement 2013 Supplementary Planning
Document: SDS1, SDS2, SDS4, SDS5 (seafront character area), SDS6,
SDS8, SDS11

8.0 APPRAISAL

- 8.1 The key issues to be considered in the determination of this application are the principle of the conversion of the building in terms of planning policy, the visual impact on the conservation area, impact upon the amenities of residents and highways and transportation matters.

Policy

- 8.2 The site is located within the Sandgate settlement boundary as defined in the Core Strategy policy map, and is covered by saved policy HO1 of the Local Plan Review, in which the principle of 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 covering Sandgate High Street that would enable planning permission to be refused for the loss of the commercial unit. It is noted that Sandgate Parish Council have drawn attention to the emerging draft plan, however the local plan to which they refer has not yet been adopted and therefore cannot be afforded much weight at this stage.

Principle of residential conversion

- 8.3 In terms of the principle of the conversion, the formation of a further residential unit within the host building 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. It would also bring back into use the ground floor and basement of this part of the building that has stood empty for a period of time.
- 8.4 The NPPF also advises in paragraph 49 that housing applications should be considered in the context of the presumption in favour 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).
- 8.5 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. The internal layout of the ground floor and basement complies with the minimum standards for properties

undergoing conversion to self contained flats and are acceptable for modern day living and the proposed flat would contribute to the mix of housing within the district, ideally suited to single/couple orientated accommodation.

- 8.6 In terms of the loss of the retail shop, Sandgate High Street is not identified as a primary or secondary shopping area so there is no policy need to safeguard ground floor retail or business units. Therefore there is no policy justification to keep the ground floor and basement use as retail or another business use. It is therefore considered that the principle of the conversion of the building to a self contained unit is acceptable in accordance with saved policies SD1 and HO1 of the Local Plan Review, Core Strategy policy SS2 and the NPPF: 2012 para 51.

Visual Impact

- 8.7 The site is located within Sandgate Conservation Area and therefore section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and saved policy BE4 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 8.8 In this regard, this application does propose alterations and an extension to the exterior of the building. The development seeks to retain the concept of a shop front by installing two large retail style timber sash glazed windows which are appropriate to the period of the property and would seek to preserve the character of the building and hint towards its previous use, which would in turn help conserve the character and appearance of the conservation area. Within the front roof slope, a conservation style roof window is proposed. It is considered that the design of a conservation area rooflight is a suitable option as it has a slimmer profile than standard rooflights. Further, given the angle of pitch of the roof and the rooflights location, high upon the building, it is expected that the rooflight would not be highly visible from the streetscene and is therefore considered to be visually acceptable.
- 8.9 Concerning the rear elevation, the new extension to the second floor is proposed to be flat-roofed which is not generally considered to be acceptable, however in this instance the extension would not be readily visible from Castle Road and would be a very small addition to the existing flat roof extension and therefore is considered on balance to be visually acceptable. The new fenestration to the rear would be uPVC. Whilst the use of uPVC is regrettable, it is considered on balance to be acceptable given the significant amount of uPVC already installed within this property and within this terrace row of properties in general.
- 8.10 The biggest and most prominent alteration would be to the rear roof slope where a pitched roof dormer window is proposed to be installed. Whilst it is considered to be a prominent feature to the rear elevation it will replace an existing, albeit smaller flat-roofed dormer. Whilst larger than the existing, this is not considered to be unduly large or top heavy to the detriment of the visual amenity of the conservation area, as it is considered it would sit comfortably within the roof slope. Further, other properties in the immediate vicinity have rear dormers of similar size and design and therefore it is considered that it is

visually acceptable in this instance and would conserve the character and appearance of the conservation area in accordance with saved Local Plan Review policies BE1, BE4 and BE8. Furthermore the development is considered to be in accordance with Sandgate Village Design Statement policies SDS 4, 5 and 6, where the development conserves the conservation area and the development provides detailed elevation plans which show that the scale, form and design is visually acceptable.

Neighbouring Amenity

- 8.11 In terms of residential amenities, it is considered that the 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, flats and maisonettes. The building currently has a commercial use with residential above and it is considered that the change to full residential would result in a less intensive use than existing.
- 8.12 There would be no neighbouring impact to the front which fronts onto the busy Sandgate High Street and only marginal impact to the rear from the external alterations which would not significantly impact upon neighbouring amenity in terms of overbearing or overshadowing. With regard to the proposed dormer window this is also not considered to result in any overbearing/overshadowing issues as it is positioned high in the roof level and away from other neighbouring windows. Some overlooking to the south would occur towards other houses in Castle Road, but this is a replacement dormer and therefore the situation will not significantly alter from the current position and is therefore considered acceptable and not significantly more harmful than existing. Castle Road is also very narrow with properties positioned on both sides of the road where there is already a degree of interlooking occurring. As such any overlooking from the dormer window is considered to be acceptable.
- 8.13 At second floor level upon the rear of the building an existing flat roof terrace area is proposed to be used as an external amenity space. This already exists but is to be brought up to acceptable standards with the installation of a glass balustrade. In this instance it is considered that the impact of its use would be no greater than existing where the terrace area could be currently used.

Highways/Transportation

- 8.14 With regard to location and wider sustainable connectivity, the site is located within the centre of Sandgate and benefits from good connectivity having 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 immediately outside. As such, the site is considered to be a sustainable location in transport terms.
- 8.15 In terms of car parking, the existing site does not have any off street car parking and the proposed development does not propose any. There is some on street parking available within the local area and there is a public car park nearby in Castle Road to the rear of the site. Nevertheless in the absence of

off street parking, this is considered acceptable given the sustainable location where occupiers would not necessarily need to use a car.

- 8.16 It is noted that policy SDS11 of the Sandgate Design Statement requires all planning applications to demonstrate adequate off-road parking provision in accordance with car parking standards. However, based on the existing use of the building (ground floor retail unit and residential above) in this case the proposed development will result in a small reduction in parking demand particularly during daytime when the shop would have been open. Therefore it is considered that the development is acceptable in this regard.

Other Considerations

- 8.17 The application proposes to connect to the main public sewer for foul and surface water disposal which is acceptable. Refuse and recyclables storage is also proposed in a communal area to the rear of the building which is considered acceptable and can be conditioned for retention. Although the site is located within an area of known land instability it is considered that a soil stability condition would not need to be applied as no new foundations are proposed.
- 8.18 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.
- 8.19 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. The CIL levy in the application area is charged at £100 per square metre for new residential floor space.
- 8.20 The proposal would not create enough new floorspace for the CIL charge to take effect and therefore a CIL charge would not be applicable in this instance.
- 8.21 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes. Initially this was for a period covering the first 6 years, but has been reduced to 4 years for new additions as a result of the Government's response to the recent consultation on the New Homes Bonus scheme (Dec 2016) 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 £1224 for one year and £4896 for 4 years and calculated on the basis of council tax Band D average dwellings. The consultation response also changed the methodology for assessing further New Homes Bonus monies for authorities. In summary, the basic calculation has remained the same, but

a 0.4% threshold has been introduced, meaning that if an authority records an overall increase in new homes in any one year, but this increase is below the threshold, the authority will not receive any New Homes Bonus funding relating to that particular year. This is a significant change, and amongst other things, it means that estimated New Homes Bonus payments for any specific future development is not guaranteed funding. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

8.22 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.

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

9.0 SUMMARY

9.1 The development proposes to make efficient use of an existing empty retail unit. It is a previously developed site and proposes a self-contained unit at ground/basement level 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. Sandgate High Street is not identified as a primary or secondary shopping area and so the loss of the shop use is not considered to be a material consideration. The external alterations are acceptable and would conserve the character or appearance of the conservation area and the development would safeguard the amenities of residents. There are no adverse highway issues.

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 to be submitted to and approved prior to commencement of development for the following;
 - Colour/ materials of proposed weatherboard to rear elevation
4. Provision and retention of refuse/recyclables storage
5. The new windows/ doors on the front elevation shall be timber. Joinery details for them to be submitted and approved.

Decision of Committee

