

Application No: Y18/0287/SH

Location of Site: Bar Vasa, 4 - 5 Sandgate Esplanade, Sandgate, Folkestone

Development: Change of use from restaurant/bar (Class A3/A4) to 4 self-contained flats, together with associated external alterations.

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Date Valid: 12.03.18

Expiry Date: 07.05.18

PEA Date: 30.06.18

Date of Committee: 26.06.18

Officer Contact: Paul Howson

SUMMARY

This report considers whether planning permission should be granted for a change of use from restaurant/bar (Class A3/A4) to 4 self-contained flats, together with associated external alterations. The report recommends that planning permission be granted as it is considered that the existing articulation to the facade of the building is pastiche and not worthy of retention. The creation of a more uniform front elevation in keeping with the local townscape and Esplanade Character Area represents a positive outcome for the streetscene, which would preserve and enhance the character and appearance of the Conservation Area. This coupled with the benefits of providing additional dwelling stock, would be considered to be supported by planning policy, and as such is recommended for approval.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report, and any additional conditions the Head of Planning Services considers to be necessary.

1.0 THE PROPOSAL

1.1 This application is for a change of use from restaurant/bar (Class A3/A4) to 4 self-contained flats, together with associated external alterations. The

proposed external alterations are relatively minor, and involve regularising the ground and first floors to create a more flush rendered façade, removing the existing signage and port-hole window features. The existing ground floor entrances and first floor 'Juliet' balconies would be widened, but would carry forward their existing symmetry. The rear elevation would remain unchanged, however, there would be an additional first and ground floor window inserted on the east elevation, and an additional ground floor window inserted on the west elevation.

- 1.2 The proposal would create two additional self-contained flats at both ground floor and first floor level. The upper floors already contain four apartments. The two proposed ground floor units would each provide an open plan lounge/dining/kitchen room, a bedroom and a bathroom. The two proposed first floor flats would have a second bedroom (with one of the units having an en-suite).
- 1.3 The application is accompanied by a Planning Statement / Design & Access and a Heritage Statement.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Within the Sandgate settlement boundary
- Within the Sandgate Conservation Area
- Within an Area of Archaeological Potential
- Land Instability Zone D

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The site fronts Sandgate Esplanade, and features an established four storey detached building, the ground floor and first floor of which had traded as Bar Vasa. This was a well-established seafront eatery/bar, but it is not currently open for business, and ceased trading approximately two and half years ago. To the front of the building is an outdoor seating area behind a dwarf front boundary wall and railings.
- 3.2 Sandgate Esplanade is part of the A259 which is a classified road. The immediate area around the site is residential, with a modern block of apartments to the west of the site, and a small modern terrace of 4 dwellings to the east of the site. On the opposite south side of the public highway is the coastal frontage.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The following being the most relevant.

- 97/0392/SH - Erection of a single storey rear extension to house fire escape and toilets – approved with conditions 14.07.97

- 98/0202/SH - Erection of glazed extension with balcony over, installation of replacement doors and windows, increase height of side walls of patio to 2.4 metres, rebuild front wall and erect railings to a height of 1.8 metres – approved with conditions 06.05.98
- Y01/0464/SH - Change of use of first floor living accommodation into a bar/bistro in association with existing ground floor bar - approved with conditions 03.08.01
- Y07/1637/SH - Erection of a ground floor front extension with first floor balcony area and screen – approved with conditions 22.10.08
- Y16/1358/SH - Alterations to the facade including replacement windows/doors, together with erection of a new boundary wall – approved with conditions 24.03.17

5.0 CONSULTATION RESPONSES

- 5.1 Consultation responses are available in full on the planning file on the Council's website:

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

Responses are summarised below.

5.2 Sandgate Parish Council

Object on grounds of:

- 1) There will be increased parking problems.
- 2) No flood risk assessment has been undertaken.
- 3) There is no explicit statement regarding plans for the forecourt / outside wall.

Bar Vasa is in the Conservation area and it is essential to preserve the streetscene and comply with SDS4 of the Sandgate Design Statement.

6.0 PUBLICITY

- 6.1 Neighbours letters expiry date 9th April 2018
- 6.2 Site notice expiry date 16th April 2018
- 6.3 Press notice expiry date 19th April 2018

7.0 REPRESENTATIONS

- 7.1 Representation responses are available in full on the planning file on the Council's website:

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

Responses are summarised below:

- 7.2 1 letter has been received requesting clarity about the proposed alterations, which has been addressed.

8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 8.2 The following saved policies of the Shepway District Local Plan Review apply:
SD1, BE1, BE4, BE19, HO1 and Appendix 3 (minimum acceptable standard for properties undergoing conversion to self-contained flats)
- 8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD, SS1, SS2, SS3, SS5, CSD1
- 8.4 The following Supplementary Planning Documents apply:
Sandgate Design Statement: SDS4
- 8.5 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application: 70, 131, 134, 137

9.0 APPRAISAL

Background

- 9.1 The background to the current proposal is that planning permission Y16/1358/SH for alterations to the facade including replacement windows/doors, together with erection of a new boundary wall was granted with conditions in 2017. These approved alterations are virtually identical to the current proposal. As this is an extant permission, these alteration could be carried out, which is the fall-back position in terms of the external alterations as proposed in this application.

Relevant Material Planning Considerations

- 9.2 The relevant issues for consideration with regard to this current application are the design and layout of the proposal; impact of the proposal on the conservation area, neighbouring amenity, highways matters, archaeology, flood risk, land instability, and loss of the restaurant/bar.

Principle and Loss of restaurant/bar

- 9.3 The proposed change of use to residential is acceptable in principle, as saved policy HO1 and Core Strategy Policy SS3 seek to permit new residential development within the established settlement hierarchy through conversion of existing buildings where the conversion is compatible with surrounding development and safeguards residents' amenity.
- 9.4 The proposal involves the loss of a restaurant/bar. Bar Vasa has ceased trading, but was a well-established business, that was particularly popular in the summer months due to the coastal location. However, Sandgate is a cultural hub with a good mix of cafes, restaurants, bars, public houses and shops, although the application site falls outside the main commercial area. As such, local residents are well served in regards to meeting places and other local services. Therefore it is considered that the loss of this facility would not reduce the community's ability to meet its day-to-day needs. As such, there would be no conflict with Core Strategy policy SS3 or paragraph 70 of the NPPF in this regard, which seek to avoid the unnecessary loss of community, voluntary or social facilities, where they would impact negatively on the social and economic needs of the neighbourhood.

Design and Layout

- 9.5 The application building is a well-established building in the streetscene. The proposed external alterations are of a modest nature, and relate primarily to the facade of the building. The proposed works would involve removal of the existing ground floor circular windows, and to replace the existing uPVC entrance doors and first floor balcony doors with grey powder coated aluminium doors. The proposal would also remove the Spanish tiled projecting features by bringing the main ground and first floor external wall forward by approximately 0.5m reducing the depth of the existing projecting bays, which would provide a more uniform facade with a white rendered finish. The front boundary wall would be painted white to match the white external wall of the proposed refurbished building. Sandgate Esplanade is generally characterised by grand regency buildings and Victorian terraces in a linear form of development along the coastal frontage. Many of the buildings referred to in the Sandgate Design Statement feature front facing balconies, which maximise the views out over the English Channel. The application building whilst in the seaside vernacular with its distinctive porthole style windows is an odd mix of styles, with Spanish tiles on the small front projection, and terracotta painted boundary walls. As such, it does not harmonise naturally with the general style of the coastal frontage. The existing façade is therefore a quirky style which reflected the previous commercial use. The proposed alterations are considered to upgrade the appearance of the building within the streetscene, and to ensure it would better conform to the surrounding residential built form. The proposal would lead to a more uniform facade with plain white rendered walls, removing the existing convoluted detailing, and would provide two pairs of symmetrical doors and balcony railings in good quality powder coated aluminium. The majority of the Sandgate Esplanade east towards Brewers Hill is characterised by white rendered front elevation walls flush with the established building line, punctuated by front facing balconies. In this

context, the proposal is considered to accord better with existing development in the locality, than is currently the case. The proposal would therefore be considered to represent a positive outcome for visual amenity, in accordance with the Sandgate Design Statement (policy SDS4), by being more harmonious with the Sandgate seafront vernacular and giving the building a more holistic less disjointed appearance. It would also be in accordance with the NPPF and saved local plan policy BE1 which require proposals to deliver high quality development in the built environment. It should also be noted that there is an extant planning permission to carry out these alterations to the façade.

Conservation Area

- 9.6 In terms of visual impact on the conservation area, the proposed alterations to the building would be minimal. The existing building is an anomaly, in that it features detailing related to its use as a bar. The proposal would restore the building to give it an appearance more in keeping with the conservation area, including retaining the boundary wall and painting it to match. The existing building is not a heritage asset in its own right, and is not considered synonymous with the character and appearance of the conservation area designation. Furthermore, this part of the conservation area is predominantly residential, and as such the proposed change of use would not change the character of this part of the conservation area. As such, for the reasons set out at paragraph 9.5 above the proposal is considered to enhance the character and appearance of the conservation area and comply with the requirements of saved local plan policy BE4, Section 72(1) of the Conservation Areas Act, and policy SDS4 of the Sandgate Design Statement which seek to protect the character and appearance of conservation areas. Furthermore, paragraph 134 of the NPPF sets out an expectation for development leading to less than substantial harm to a heritage asset (in this case the conservation area) to be weighed against the public benefits of the proposal. Given the lack of harm identified, and the public benefits of bringing vacant floorspace back into use to provide housing units, the proposal is considered to comply with this. Further to this, paragraph 137 of the NPPF seeks that new development that contributes positively to Conservation Areas should be treated favourably, and as in this instance this is considered to be the case, the conservation area designation is not a constraint to the proposed development.

Amenity

- 9.7 It is considered that the proposal would have a neutral impact on neighbouring occupiers of the surrounding properties. The upper floors are already occupied and the only additional windows are on the lower levels of the flank walls below existing openings. The proposed ground floor windows would be within light wells and as such would not allow an outlook onto neighbouring properties, and the proposed window serving a first floor bedroom would have an outlook onto the blank flank wall of the terrace east of the site. There would be no additional overlooking to the rear as there is a block of garages directly behind the site, and the dwellings to the rear are

on raised ground above the first floor level of the application building. As such, there would be no overlooking that would exacerbate the existing situation. There would be no significant increase in footprint so there would be no unacceptable impact on the neighbouring properties in terms of loss of light or overbearing impact. Furthermore, a residential use would result in less noise and disturbance than the existing restaurant/bar use. Overall, it is considered the additional ground floor and first floor units would not exacerbate the existing impact on neighbouring occupiers in accordance with saved policy SD1.

- 9.8 In terms of the layout of the proposed units, Appendix 3 of the local plan applies, which sets out the minimum acceptable standards for properties undergoing conversion to self-contained flats. In terms of the proposed units criteria (i) of Appendix 3 would apply which seeks each flat where it consists of three rooms to consist of a bathroom, a bedroom of at least 7sqm floor area, and a kitchen/living room of at least 14.5sqm floor area. The ground floor units would provide bathrooms, bedrooms of approximately 22sqm and kitchen/living rooms of approximately 29sqm. With regard to the proposed first floor units, they would provide bathrooms, and bedrooms ranging from approximately 8sqm to 18sqm floor area, and kitchen/living rooms of approximately 25sqm and 32sqm. These comfortably exceed the minimum requirement. The proposed layouts would utilise the existing openings, supplemented by the creation of two additional light wells to serve the ground floor bedrooms, to enhance the outlook and ventilation. The proposed south elevation openings would have a pleasant outlook over the English Channel, with the ground floor flats benefiting from outdoor amenity space on the enclosed forecourt. The plans indicate the internal stacking arrangement would not lead to conflicting room uses above each other, which can be secured by condition. In the light of the above, it is considered that the proposed development would provide generous levels of accommodation, which would provide good living conditions for future occupants in accordance with the NPPF (paragraph 17) which require that consideration should be given to the residential amenities of future occupiers of a development. Overall, the units have been designed to provide good sized rooms with adequate light and outlook.

Highways

- 9.9 The site has no off street parking, and this would remain to be the case. It is considered there are no major concerns regarding the proposal and it that does not represent an intensification of the use. The ground floor and first floor have a lawful use as a restaurant/bar which is a more intensive use than the proposed residential use. The parking requirement for the existing café use would be approximately 50 spaces, whereas the residential conversion would have a parking demand for six vehicle parking spaces. As such, there would be a significant net decrease in parking demand, and therefore highways issues are not a constraint to the proposals.

Archaeology

- 9.10 The site falls within an archaeological protection zone. However, the proposal represent a change of use with no significant building works that would break ground. As such, no archaeological measures would be required.

Flood Risk

- 9.11 The site is in Flood Zone 1 and is not shown to be at risk from flooding on the Council's SFRA even when allowing for climate change. As such, a Flood Risk assessment was not required to accompany the application, and flood risk would not be a constraint to the proposed development.

Latchgate

- 9.12 The site is in an area where slope instability problems are probably present, so the land stability of the site is a consideration. It is considered that as the proposal is for a change of use with no significant building operations, there would be no significant additional loading on the land. As such, the proposal would not have an adverse impact on land stability in accordance with saved policy BE19.

Other issues

- 9.13 The Parish Council have queried the plans for the forecourt / outside wall. The applicant has confirmed this will remain as is and made good where necessary. The walls would be painted white and the railings grey to match the external finish of the building.

Finance Considerations

- 9.14 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.

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 development would not be liable for the CIL charge as it is a change of use that does not create additional floorspace,

Human Rights

- 9.15 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.

9.16 This application is reported to Committee due to the views of Sandgate Parish Council.

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 time condition
2. Approved plans (inclusive of the internal layouts)
3. Materials
4. Details of boundary treatment to be submitted
5. Grills to be provided above the light wells

Decision of Committee

Y18/0287/SH
Bar Vasa
4.5 Sandgate Esplanade
Sandgate

