

Application No: Y19/1149/FH

Location of Site: 3 Sandgate High Street, Folkestone, Kent CT20 3BD

Development: Change of use and conversion from a mixed use as retail showroom and residential, to a single residential unit

Applicant: Mr. Daniel Stonestreet

Officer Contact: Robert Allan

SUMMARY

This report considers whether planning permission should be granted for the change of use and conversion of the existing ground floor retail showroom area (class A1) to residential (Class C3) in order to extend the living area of the existing flat located on the first and second floors. Whilst Sandgate Parish Council have objected to the scheme on the basis of adopted policy RL6, it is considered that the applicant has submitted sufficient information to address the needs of this policy through evidence of marketing, with no detrimental impact upon the vitality of the Sandgate Local Centre likely, with conversion to a residential property in this instance having the potential to have a positive impact on the viability of Sandgate by adapting to the changing needs of the centre. No external alterations to the building are proposed and any permitted development rights for such changes, as would be accrued through the change to a single dwellinghouse, could reasonably be removed to safeguard the appearance of the building and the conservation area. All other material considerations relating to existing and proposed residential amenity and parking requirements are considered to have been addressed and found to be acceptable and the application is recommended for approval subject to the conditions set out at the end of the report.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and any others that the Chief Planning Officer deems to be necessary.

1. INTRODUCTION

1.1. The application is reported to Committee due to the views of Sandgate Parish Council.

2. SITE AND SURROUNDINGS

2.1. The application site is located within the defined settlement boundary of Sandgate and Sandgate Conservation Area, facing Sandgate High Street to the north-west and backing onto properties fronting Castle Road to the south east. The property is within the Sandgate East Core as defined in the Sandgate Conservation Area Appraisal with the character strongly influenced by the High Street and the buildings that line it. Viewed from Sandgate Hill, the High Street appears as a gently curving ribbon of buildings at the foot of the steeply sloping escarpment. Although there is considerable

variety in the detailed design of buildings along the High Street, there are common building heights, forms, elevational details and building lines providing an overall unifying theme.

- 2.2. The building itself is identified within the conservation area appraisal as a key unlisted building and has three storeys with an elaborate shopfront to ground and first floor levels, constructed from a mix of timber, render and cast iron. The ground floor use is a commercial retail one, whilst the first and second floors provide a two bedroom flat. To the rear at ground floor level is a ‘sun yard’ and additional accommodation space, whilst at first floor is a kitchen diner, bedroom, shower room and balcony area, with stairs leading up to the second floor bedroom area. The layout is shown in Figure 1, the street scene is shown in Figure 2 and an image of the frontage of the property is shown in figure 3, all below:

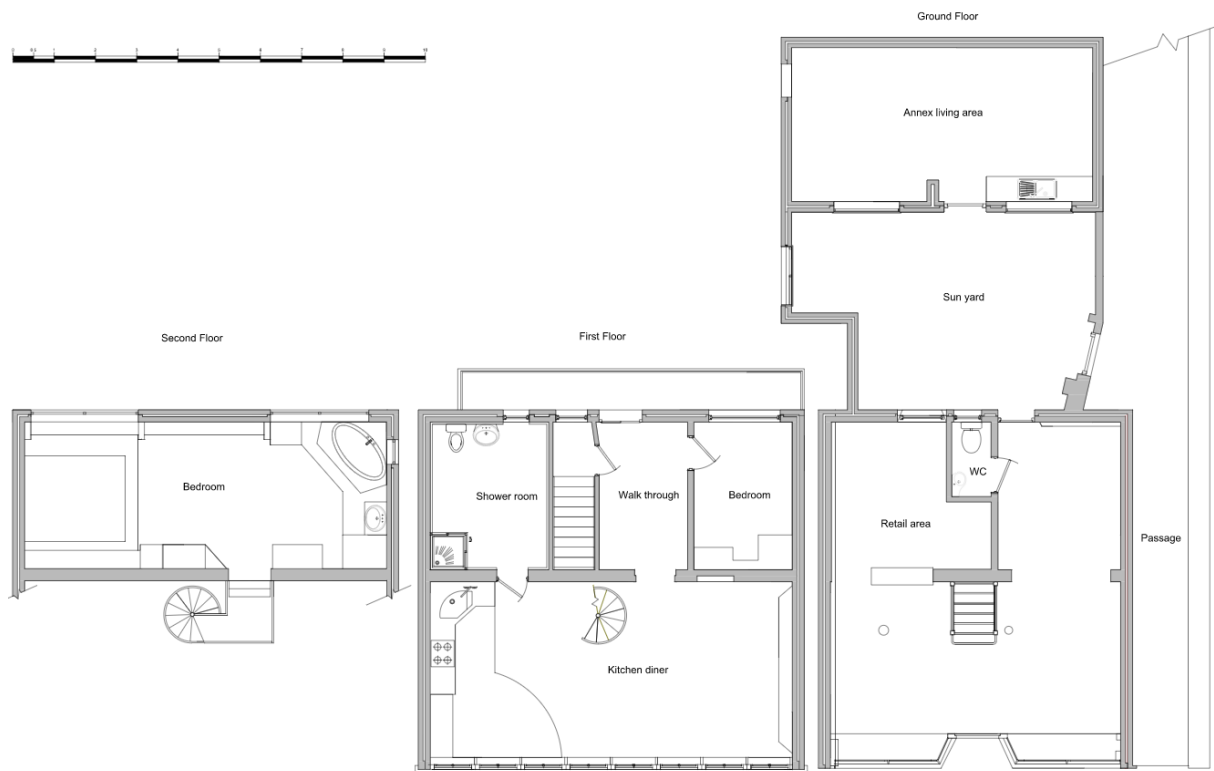


Figure 1



Figure 2

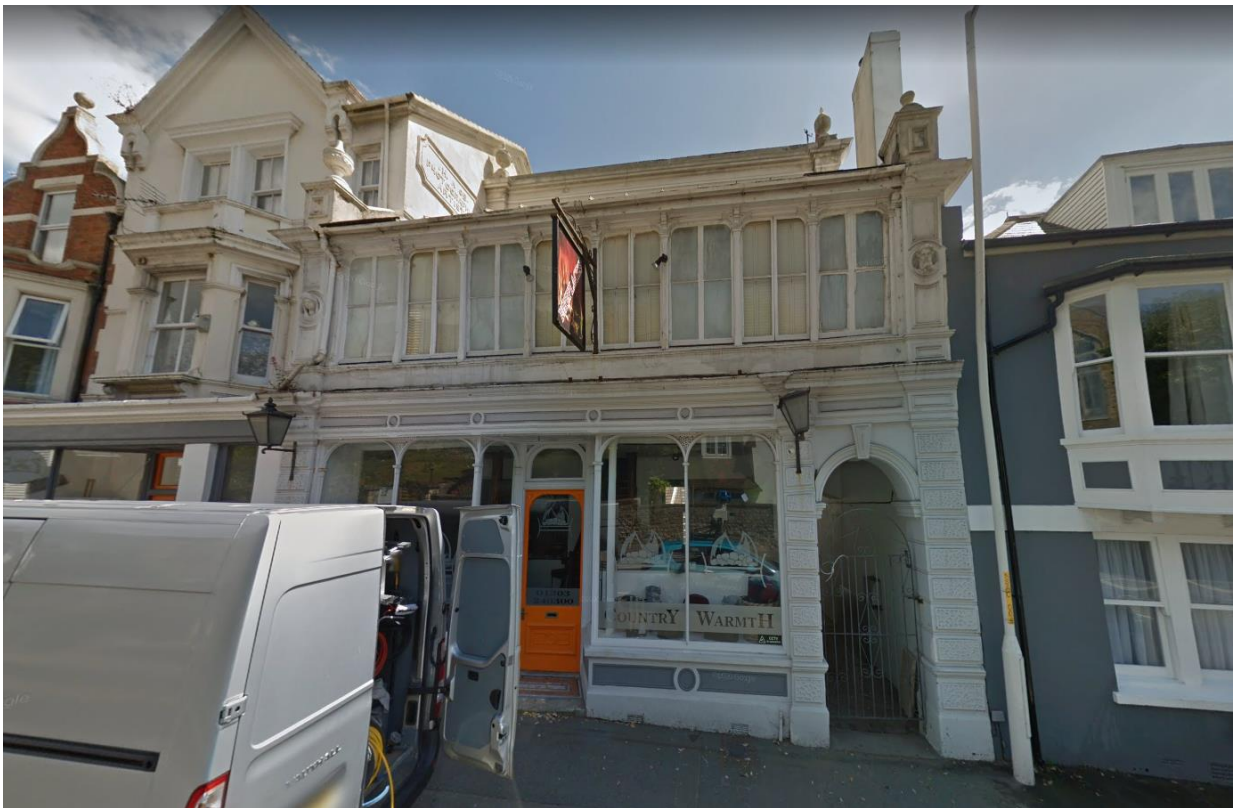


Figure 3

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

3. PROPOSAL

3.1 Full planning permission is sought for the change of use of the ground floor retail unit from Class A1 (retail) to Class C3 (dwelling-house). This would not form an additional unit of residential accommodation, but extend the existing first and second floor residential unit to the ground floor. No external alterations are proposed.

4. RELEVANT PLANNING HISTORY

4.1 There is no relevant recorded planning history.

CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: Object on the following grounds;

- On the basis of policy RL6 insufficient justification has been given for the necessity for the conversion;
- If agreed, in time the unique shop frontage would be altered to the detriment of the conservation area;
- The residential accommodation would result in increased pressure on the parking in the area.

Folkestone and Hythe Planning Policy Team: No objection;

- The unit is in a bank of two retail units detached from the main local centre by being 100m from the next retail unit (no. 13) and approximately 200m from the nearest on-street or designated parking, with this part of the High Street experiencing a much lower level of pedestrian footfall compared to the rest of the local centre.
- The unit has been marketed for over twelve months in line with policy RL6 although it is not clear whether this has been solely as a retail outlet or for a wider range of uses. However, given that no offers have been tabled during the marketing period, coupled with the fact that the monitoring information for Sandgate shows that it benefits from very low levels of vacancy, it is suggested that the unit, by virtue of its location and lack of accessible parking is not attractive to the market in its current use.
- The loss of the retail unit in this location would not have a detrimental impact upon the vitality of the Sandgate Local Centre.
- Conversion to a residential property in this instance has the potential to have a positive impact on the viability of Sandgate by adapting to the changing needs of the centre and avoiding a long term vacant unit, providing an opportunity for improvements to the existing façade which is currently in a poor state of repair. Changes are not proposed to the existing façade and as such this would not prevent a return to a retail premises in the future if there was a demand to do so.

Local Residents Comments

5.2 14 neighbours were directly consulted, no representations were received.

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

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

5. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Shepway Core Strategy Local Plan (2013) and the Places and Policies Local Plan (2020) which has now been adopted.

6.2 The relevant development plan policies are as follows:-

Shepway Local Plan Core Strategy (2013)

DSD	Delivering Sustainable Development
SS1	District Spatial Strategy
SS4	Priority Centres of Activity Strategy

Places and Policies Local Plan (2020)

RL1	Retail Hierarchy
RL6	Sandgate Local Centre
HB1	Quality Places through Design

HB3	Space Standards
T2	Parking Standards
HE1	Heritage assets

Core Strategy Review Submission Draft (2019)

The Submission draft of the Core Strategy Review was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between January and March 2019. Following changes to national policy, a further consultation was undertaken from 20 December 2019 to 20 January 2020 on proposed changes to policies and text related to housing supply. The Core Strategy Review was then submitted to the Secretary of State for independent examination on 10 March 2020.

Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which states that the more advanced the stage that an emerging plan has reached, the greater the weight that may be given to it (paragraph 48). Based on the current stage of preparation, the policies within the Core Strategy Review Submission Draft may be afforded weight where there has not been significant objection. The following draft policies apply:

SS1	District Spatial Strategy
SS4	Priority Centres of Activity Strategy

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

Government Advice

National Planning Policy Framework (NPPF) 2019

6.4 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.

Paragraph 8	three main strands of sustainable development: economic, social, and environmental
Paragraph 11	development proposals that accord with an up-to-date development plan should be approved “without delay”
Paragraph 47	applications for planning permission be determined in accordance with the development plan
Paragraph 48	giving weight to emerging plans
Paragraph 85	Ensuring the vitality of town centres
Paragraph 109	development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
Paragraphs 189 to 192	proposals affecting heritage assets

6.5 National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change
Flood Risk and Coastal Change
Natural Environment

6.6 Sandgate Design Statement

SDS1	Compliance with the Sandgate Design Statement
SDS2	Compliance with the Development Plan
SDS4	Conservation Areas
SDS5	Character Areas
SDS6	Street Scene Detailing

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development
- b) Visual amenity
- c) Residential amenity
- d) Highways

a) Principle of development

7.2 National policy and guidance recognises the need to for the planning system to be able to adapt quickly to consider changes in the economy, in particular changes in shopping and leisure patterns and formats, the impact these are likely to have on individual town centres; and how the planning tools available to them can support necessary adaptation and change.

7.3 The National Planning Policy Framework (paragraph 85) states that *“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation”* with criteria (f) recognising *“that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites”*.

7.4 Moreover, the NPPG (Paragraph: 001 Reference ID: 2b-001-20190722) suggest that a *“wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including **residential** [my emphasis], employment, office, commercial, leisure/entertainment, healthcare and educational development.”*

7.5 Sandgate High Street has been identified as a Local Centre to reflect its importance to the local community. Retail units here have been under threat through conversion to residential use, however within the Places and Polices Local Plan policy RL6, it is set out that planning permission will be granted for a change from a town centre use where:

- The proposed use is not detrimental to residential amenity;
- There is evidence to demonstrate that there is no demand for the continued use of the premises for retail or community uses;
- The existing use is no longer viable and the property has been actively marketed at a reasonable rate for a period of at least 12 months and no reasonable offers have been made; and
- The proposed use does not threaten the vitality and viability of the local centre and retains an active frontage at street level.

7.6 The consideration relating to residential amenity is addressed in the subsequent section. Turning to the remaining criteria, the applicant advises that the unit has been marketed for over twelve months (since June 2019) with Wards estate agent, as a commercial premises. Correspondence from the agent states that no offers were made, with the only interest coming from potential buyers interested on a residential basis.

7.7 The retail unit is situated in a bank of two retail units on the eastern periphery of the Sandgate Local Centre flanked by existing residential dwellings on either side. These two retail units are detached from the main local centre by being 100m from the next nearest retail unit (No.13 Sandgate High Street) and approximately 200m from the nearest on-street and/or designated parking. Given this, and the specific retail nature of the existing shop (fireplaces); this part of the existing high street experiences a much lower level of pedestrian footfall compared to the rest of the local centre.

7.8 The Planning Policy Team have advised that monitoring information for Sandgate shows that it benefits from a very low levels of vacancy, suggesting that this retail unit by virtue of its location and lack of accessible parking is not attractive to the market in its current use.

7.9 The comments received from the Folkestone and Hythe Planning Policy Team state that the loss of the retail unit in this location would not have a detrimental impact upon the vitality of the Sandgate Local Centre, with conversion to a residential property in this instance having the potential to have a positive impact on the viability of Sandgate by adapting to the changing needs of the centre, avoiding a long term vacant unit and providing an opportunity for improvements to be made to the existing façade, which is currently in a worsening state of repair, although these cannot reasonably be secured via condition. The applicant is not proposing to change the existing façade and as such this would not prevent a return to a retail premises in the future if there was a demand to do so.

7.10 In light of the above it is considered that the principle of development on this site is acceptable, subject to all other material planning considerations being addressed.

b) Visual amenity

7.11 As stated previously, the applicant is not proposing to change the existing façade, which is of significant interest and that contributes to the conservation area at this point. However, it is in a poor state of repair and would benefit from refurbishment, which may be forthcoming in residential use.

7.12 The concerns of Sandgate Parish Council regarding the subsequent changes that could be made if a residential use were accepted are noted and considered relevant

to the consideration of this proposal. As such, if permission were to be granted, it is proposed to remove permitted development rights for external alterations, in order to secure the shop front and the positive contribution it makes to the conservation area and street scene, in accordance with the aims of the Sandgate Design Statement.

c) Residential amenity

Existing occupiers

- 7.13 The property is currently used at first and second floor level for residential purposes, with an existing rear balcony area. The proposed change of use would not introduce any additional residential use into the site, or include any external alterations or internal layout changes. Consequently, the relationship with adjacent uses would remain 'as-is' and there would be no detriment to the amenity of adjacent uses.

Proposed Occupiers

- 7.14 Policy HB3 in the Places and Policies Local Plan sets out space standards internally and externally. In respect of the internal space standards, internal floor spaces exceed the minimum required by the Nationally Described Standard, with good natural daylight provided to each room.
- 7.15 In respect of the external amenity areas, private external space is normally deemed necessary to accommodate a storage shed, a sitting out area, washing line or rotary drier, planting and play and amenity space, with an area of private garden for the exclusive use of an individual dwelling house of at least 10m in depth and the width of the dwelling sought. However, for certain types of conversions, including those of heritage assets or buildings in Conservation Areas the Council will consider variations to the external space standards if it can be demonstrated that such an approach is needed to reflect the character of the area and does not result in a detrimental standard of residential amenity for future occupants. In this case, due to the sustainable location close to the beach and other public open space, it is considered, on balance to be acceptable.
- 7.16 For this area, the properties in the immediate vicinity all have very small garden areas, if at all, with the application property unable to access any additional land, given that it is an application for the annexation of existing internal floor space for residential use. The property has an existing 'sun yard' at ground floor level and first floor balcony serving the existing residential unit, both of which would remain. Consequently, as the situation would not change, it is considered that it would be unreasonable to object on this basis, as the amenity of future occupants would be safeguarded, with internal living conditions improved through the additional internal living space.

d) Highway Safety / Cycle Parking

- 7.17 Sandgate High Street at this point has on-street parking controls in the form of double yellow lines, with double yellow lines and resident permit parking only to the rear in Castle Road. The parking demand for the building as it is currently used is for two spaces (one space for the residential use and one for the commercial use) as set out in the tables accompanying policy T2 of the PPLP. The proposed use will see this reduced to one space, as the commercial use is extinguished. Consequently, there is considered to be a reduction in parking demand as a consequence of the proposal.

- 7.18 In relation to cycle parking, policy identifies a demand of one secure, covered space per bedroom – this demand would remain the same should the proposal be granted, due to the number of bedrooms remaining the same. The unit already has to provide for two spaces and it is considered unreasonable to subsequently condition this, should permission be granted, seeing as the unit is already operating without this requirement,
- 7.19 Overall, the car parking provision meets the requirements of adopted policy T2 and the development already would meet the Councils adopted cycle storage requirements within policy T5.

Environmental Impact Assessment

- 7.20 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is considered to fall within Schedule 2, Part 10b, being an urban development project. The site does not exceed any of the thresholds. Consequently, a screening opinion has been carried out by the Council and has concluded that the development is not EIA development and as such an Environmental Statement was not required.

Local Finance Considerations

- 7.21 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.
- 7.22 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 application is not liable for the CIL charge

Human Rights

- 7.23 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

- 7.24 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

7.25 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 This report considers whether planning permission should be granted for the change of use and conversion of the existing ground floor retail area (class A1) to residential (Class C3) in order to extend the living area of the existing flat located on the first and second floors. Whilst Sandgate Parish Council have objected to the scheme on the basis of adopted policy RL6, it is considered that the applicant has submitted sufficient information to address the needs of this policy through evidence of marketing, with no detrimental impact upon the vitality of the Sandgate Local Centre likely, with conversion to a residential property in this instance having the potential to have a positive impact on the viability of Sandgate by adapting to the changing needs of the centre. No external changes are proposed and any permitted development rights for such changes, as would be accrued through the change to a single dwellinghouse, could reasonably be removed to safeguard the appearance of the building and the conservation area. All other material considerations relating to existing and proposed residential amenity and parking requirements are considered to have been addressed and found to be acceptable and the application is recommended for approval subject to the conditions set out below.

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).

1. RECOMMENDATION

That planning permission be granted subject to the following conditions:

Conditions:

1. The development must be begun within three years of the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans 243-02, 243-01

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Class A, B or C of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to retain control over future development given the importance of the historic shopfront within the conservation area at this point.

4. Prior to first occupation as a single dwellinghouse, space shall be made available within the curtilage of the property for use as a bin store in association with the use hereby permitted and thereafter retained at all times.

Reason:

In the interests of visual and residential amenity.

Appendix 1 – Site Location Plan