

**From:** [REDACTED]  
**Sent:** 27 May 2019 11:48  
**To:** Planning  
**Subject:** Planning Application Number Y19/0481/FH  
**Attachments:** Image (4).jpg; Image (3).jpg; Image (2).jpg; Image.jpg

APPLICATON NO Y19/0481/FH

We strongly object to this planning application as we feel with four licensed premises within yards of this building, that the residents of this area suffer enough drunken and noisy behaviour without adding to the size of one of these venues!.

Aspen House is a purpose built block of flats and has a ventilation system from basement to the roof area comprising of trunking passing through very flat so that any noise generated throughout the building is heard by every resident. I would like to ask the Planning Officials how they would feel if they had someone dining and drinking beneath their bedroom windows on a nightly basis. I'm sure that they wouldn't welcome this and neither do we.

A previous application from this venue was overturned on Appeal as it was proved that music could be heard throughout the building at every level.

This building is occupied predominately by elderly people who are fully aware that the Local Authority is obliged to ensure that they are able to enjoy the quiet comfort of their homes. This most certainly would not happen if this application were to be granted.

We strongly support every aspect of the attached report.

G.J.Wallace & E.M.Wallace.

[REDACTED]

Head of Planning  
Civic Centre  
Castle Hill Avenue  
Folkestone  
CT20 2QX

24 May 2019

NOTICE OF APPLICATION FOR PLANNING PERMISSION

Application No: Y19/0481/FH

Dear Sir

We are extremely worried about the Proposal by Aspandos to utilise part of the 1st floor office space in Aspen House as an additional dining room.

Aspen House was built in the late 1960's as a mixed development of 25 apartments, one floor of office space and a ground floor housing shops. The majority of the premises are Residential.

Aspen House, like its twin, Westcliff House, were built on a former open space/park and formed a separate gated development. Only when the Council made a compulsory purchase of Pound Way to give access to West Cliff Gardens during the pedestrianisation of Sandgate Road, did the integrity of the development suffer.

The buildings, whilst not pretty, are typical of the 1960 architecture of the day and forms a whole statement that will be punctuated in a most unacceptable way by the proposed development. As a building Aspen House is sound, having recently had a major exterior refurbishment costing over half-a-million Pounds. Breaking up the design in the way suggested, is architectural vandalism of the worst kind and will make a mockery of the original design.

In 2007, an application was made to alter the shops at No 6-8 West Terrace into a Wine Bar.

Shepway Council opposed the original Change of Use in a notice dated 22 October 2007, on the grounds of disturbance to residents but was overturned on Appeal, by the Planning Inspectorate, which allowed the change of use but with restricted terms, most of which have been breached or ignored by subsequent tenants at various times. More than 400 complaints

were lodged with Shepway Environmental Health while the premises were known as The View Bar.

The ground floor premises were not only altered by the Planning Inspectorate Decision but also the Council's subsequent decision to grant a Premises License to No 6-8 West Terrace. The downstream effect of these decisions has reverberated over the past decade with noise, drunken behaviour and vandalism being visited upon residents and other homeowners in the immediate vicinity; notably, Albion Villas, No1 The Leas, Westcliff House and other residents along The Leas. Numerous complaints have been made and the services of Police, Ambulance and Environmental Health have been necessary.

A further two appeals to operate late-night licenses at No. 6-8 West Terrace (now Aspendos) have been turned down by the Planning Inspectorate, Ref: APP/L2250/A/08/2072042, which reiterated the restrictive terms on each occasion and went to some length to reinforce their message about disturbance to residents. Inevitably, Shepway Council subsequently granted the adjacent cafe owner a Premises Licence when it was turned into a restaurant known as SUNA. They have recently applied and received retrospective Planning Permission for a basement Bar and Club they created at the time of conversion some three years ago, despite the objections of residents, who are directly affected by this decision.

The point is simple: CHANGE of USE has far reaching and permanent consequences, that alter the character of premises, local areas and amenity for those living in the vicinity. For those living in a purpose-built multi-use development they can be devastating and such change is strongly opposed by the residents, as it will certainly alter their living conditions, resale values and is counter to their Human Rights as home owners. Any such change will be referred to The Planning Inspectorate as a matter of course.

As one of the home owners most immediately affected by this particular application, along with Number 1, 9, 10, 18 and 19 Aspen House, we are utterly opposed to any curtain wall of Bi-fold doors and a Juliet-type balcony, on the grounds of noise and loss of amenity, [REDACTED]

[REDACTED] Likewise apartment No.1 will be directly above these opening doors.

Neither us, nor our neighbours take any comfort from the suggestion that the room will not be used after 10pm, as the owner has already demonstrated scant regard for any rules or limitations.

The owner of Aspendos caused residents severe distress over an eighteen months period, or more, from smells and smoke arising from cooking fish and meats, which pervaded the area and meant that residents to the rear of Aspen House and Albion Villas could not open their windows during the summer months. Many complaints to the Council from all the surrounding residents resulted in the Council requiring a flue extension. This was ignored by the owner of Aspendos until enforcement action was threatened.

When the exhaust flue was finally erected, the required cladding was missing. Many months later and several visits from the Council, it took the threat of legal action before the issue was remedied. Meanwhile the residents had scaffolding outside their building for nearly two years giving rise to youths on the roof on several occasions and homeless persons seeking shelter; using the space under the scaffolding as a sleeping area and toilet. The management and the owner of Aspendos took no action to protect their neighbours.

Additionally, two years ago, Aspendos illegally enclosed a massive area of pavement outside the restaurant by means of a wooden structure and proceeded to furnish it as an outdoor eating and smoking area. The noise and smoke, particularly the Hookah pipes are now a constant evening event when the weather is fine. Apparently, KCC have now retrospectively allowed the open-air extension, or so it seems. What they do not know is that Aspendos puts out additional tables and chairs beyond the agreed enclosure when it suits them. Invariably the actual indoor restaurant is empty on these occasions, despite the bi-fold doors being fully open. It seems that customers prefer to enjoy an al fresco dining experience.

The proposed development has nothing to do with capacity's as claimed in the Design and Access Statement, as any visit to Aspendos will demonstrate, and everything to do with gaining commercial and competitive advantage. This is not a case of a thriving business needing more table covers but is wholly to do with attracting a clientele that will take advantage of an open-air dining room and balcony, whether this is to the discomfort of residents or not.

We are also not convinced by the suggestion that the new dining room will be sound-proofed. Having a wall of bi-fold opening doors immediately adjacent to residential premises and bedroom is not going to be sound-proof!

There is also the legacy effect of a Change of Use. Should this tenant fail to make their business work, as did the last tenant of the office space, the next tenant has the advantage of a upper room of considerable proportions, a Premises Licence, including music in all forms and a fully opening wall of bi-fold doors. A repeat of The View Bar scenario is a distinct possibility.

As for the assertions that Aspendos is near public transport and has plenty of parking, this is simply not true. Aspendos customers either walk to their cars, or take a cab home. The bus station is too far away and has a reduced service at night. Waiting for cabs adds to the noise outside on the pavement, as customers are not particularly quiet and often intoxicated.

1. We therefore object to the Change of a Use consequent upon the Planning Application (not mentioned in the Application).

On the detail of the Application we object to consent for the following reasons :

2. The proposal will cause a major breach of the design integrity, arising from the Bi-fold doors and Balcony elements and the distinct lack of fit with the remainder of the building.

3. The proximity of the proposed development to Residential properties directly above and to the sides of the proposed First floor dining room, equipped as proposed with opening bi-fold doors and balcony, will cause an increase in noise, lack of privacy and a source of ongoing irritation to residents.

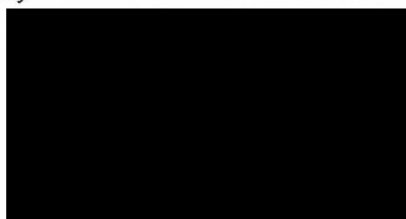
4. The fallacy of sound-proofing an opening wall of bi-fold doors. The noise generated by an upper dining room in such close proximity to residential property is wholly unacceptable

5. The absence of any proven commercial justification for such development in a building deliberately designed to isolate residential space from commercial undertakings by means of an intervening floor of offices.

6. The loss of amenity caused to resident whose homes are directly affected and the fact that once the present Planning arrangement is breached, others will make similar Change of Use proposals for the remaining offices, to the detriment of residential leaseholders throughout the building.

We therefore strongly request that the Planning Committee of Folkestone and Hythe District Council, refuse to grant Planning Permission to Application No. Y19/0481/FH and makes no order for a Change of Use to the area in Aspen House currently designated as offices space.

Yours sincerely

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