

OFFICERS REPORT

Application No: Y17/0169/SH

Location: 23 Sandgate High Street Sandgate Kent CT20 3AH

Proposal Listed Building Consent for conversion to 4 residential apartments together with associated internal and external works to include alterations to fenestration and the installation of 2 dormer windows to the southern elevation and installation of 1 dormer window to the eastern elevation, removal of single storey extensions and erection of a boundary wall to the northern elevation.

ASSESSMENT

Performance data:-

Date application valid: 21.04.2017

Applicable 8/13/16 week target date: 16.06.2017

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) No

If Yes, revised 8/13/16 week target date:

Is the application being determined after 26 weeks without a PPA or a PEA Yes

SITE VISIT

Carried out site visit on 11.05.2017. A further site visit was carried out on 16.05.2018. The inside as well as the outside of the site were inspected.

Key features are noted in the assessment.

SITE

The application site is a Grade II Listed Building located within the Sandgate High Street conservation area.

The site is the former Fleur De Lis public house located on the corner of Sandgate High Street and Castle Road.

The building comprises of several elements. The front and mid ranges are arranged in a 'L' shape and are two stories, painted render with slate roofs. Between them, set in the corner, is an entrance element, also two stories and rendered but with a flat roof behind a parapet.

To the rear there is a large single storey building (the rear range) with a steep Kent Peg tile roof, hipped on the east end only. A smaller hipped roof element (the rear-most extension), projects out of the rear (south) elevation of this and another smaller extension, formally pub toilets, is attached to the north-east corner of this building up against the road.

The buildings are set back from the curving frontage of Castle Road leaving a number of small areas of tarmac between the building and pavement. At the rear is a small area of garden, separated from the public car park by a modern timber fence. There are also lower timber fences around areas on the east side used as car parking and accessed via Castle Road.

The majority of the buildings appear to be mid c19th but the rear range is older, reputed to date back to the c16th.

The pub has been closed for some time and the building is fairly derelict. Externally the building retains much of its Victorian features, including the original pub front with two doorways and a three pane pub window, and also the original entrance door around the corner of the east elevation. Most of the 2/2 sashes remain.

Internally most of the interior has been stripped out by various phases of alterations as use as a pub, and more recently.

RELEVANT HISTORY

89/1471/SH - Alterations and change of use to A3 and use as a picture gallery.

Approved with conditions

89/1472/SH - Listed Building Consent for alterations to form restaurant, reinstate pub and use as picture gallery.

Approved with conditions

93/0384/SH - Construction of a dormer window.

Approved with conditions

93/0385/SH - Listed Building Consent for the construction of a dormer window.

Approved with conditions

Y03/1481/SH - Change of use of garden of public house to car park.

Approved with conditions

Y18/0614/FH - Replacing existing asbestos tiles with slate tiles to the North Building.

Approved with conditions

PROPOSAL

This application seeks listed building consent for the conversion of the building to four residential apartments. Flats 1 and 3 would be located within the southern building, both set over two floors and would each provide 2 bedrooms.

Flat 3 would be located at ground floor within the northern building and would provide 2 bedrooms. Flat 4 is located at first floor of the northern building and provides 2 bedrooms (with a further room in the eaves of the roof for additional space).

The proposal will include internal and external works to include alterations to fenestration and the installation of 2 dormer windows to the southern elevation and installation of 1 dormer window to the eastern elevation, removal of single storey extensions and erection of a boundary wall to the northern elevation.

The application originally proposed conversion to 6 apartments and included removal of the external chimney stack and provision of a roof terrace in association with flat 4. Discussions during the life of the application saw the proposal reduced to 4 units, the removal of the proposed roof terrace and the retention of the existing chimney stack. Further amendments and improvements to the scheme overall have also been achieved and this report and decision are based on the final set of amended plans received May 2019.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Sandgate Parish Council final comments received offered no objection to the amended scheme.

Final comments from the Council's heritage consultant supported the application subject to conditions.

Historic England raised concerns over the loss of the chimney stack and general lack of detail. Following amendments (which included retention of the chimney) and re-consultation Historic England did not wish to offer any comments.

REPRESENTATIONS

3 letters of representation have been received and are available in full on the planning file. The main points raised are summarised below.

- o Concerns over amended scheme but will be satisfied if the recommendations made by Anthony Swaine Architecture Ltd have been complied with
- o First floor roof terrace would overlook neighbours garden and bathroom window

PUBLICITY

Site notice displayed. Expiry date 05.06.2017

Advertised in press. Expiry date 08.06.2017

RELEVANT POLICIES

Local Plan Review Saved Policies: SD1, BE5

Places and Policies Local Plan Submission Draft: HB1, HE1

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

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. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (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.

Sandgate Design Statement: SDS5 (High Street area)

National Planning Policy Framework: 11, 12, 47, 48, 189, 190, 191, 192, 193, 194, 196

NPPG

APPRAISAL

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability or preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy

Point a) of saved local plan policy BE5 of the SDLPR says that the District Authority will refuse Listed Building Consent for demolition, extension, alterations or partial demolition, including internal or external works, if the proposals are considered to be detrimental to the character of the building.

Point c) says that the District Authority will impose conditions as necessary when granting consent to alter a listed building in order to protect the character afforded to that building by the retention or reinstatement of traditional features or materials.

Paragraph 191 of the NPPF says that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 193 says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Impact upon the Listed Building

The property is in a highly prominent location and forms part of a key visual feature of Sandgate High Street, being a corner plot on a busy junction.

It is clear that the building has suffered neglect and most (if not all) of the internal historic fabric has been lost through the years. It is therefore important to protect what remains and where possible, seek improvements as required by local plan policy.

As a result of the building requiring works (internal and external) to allow for the conversion, the LPA have worked closely with the applicant and the proposed alterations to the building have been subject to detailed scrutiny by the Council's Heritage consultant with all requested alterations and improvements put forward by them during the life of the application accepted by the applicant and now reflected in the amended plans dated May 2019.

Whilst it has to be accepted that some harm to the listed building would occur as a result of any works, to leave the building empty would, over time, cause further harm to the building, structurally as well as visually. In this instance the harm caused by the conversion works are not considered to be substantial and when weighing the harm against the public benefit it is considered that the optimum viable use of this building is for residential flats and that in order to achieve that use, internal and external changes need to occur. The applicant has already sought to protect the building from further damage by the elements by having the northern roof repaired and replaced with new tiles (as approved by application Y18/0614/FH).

In this regard it is concluded that the property would be sympathetically altered, overhauled, repaired and (where possible) improved to enable this important historic building be brought back into use whilst still ensuring the changes required for the conversion are sympathetic to the building itself and conservation area. In line with local and national policy.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1 & 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

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.

RECOMMENDATION

In light of the above, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Katy Claw Position: Planning Officer Date: 12.06.2019

Report and draft decision notice agreed and passed to admin to issue decision.

Name: Position: Date: