

**PLANNING STATEMENT**

**On behalf of**

**London and Cambridge Properties Limited**

**In respect of the change of use of the basement  
and ground floors from Class A2  
professional and financial services  
to Class A5 hot food takeaway  
and installation of extraction**

**at**

**96 Sandgate Road, Folkestone, CT20 2BE**

D2 Planning Ref: 005/17

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**D2**

## **CONTENTS**

1. INTRODUCTION
2. SITE AND SURROUNDINGS
3. PLANNING HISTORY
4. PLANNING POLICY CONTEXT
5. JUSTIFICATION FOR THE PROPOSED DEVELOPMENT
6. CONCLUSIONS

## **APPENDICES**

Appendix 1 Marketing Letter

## **1. INTRODUCTION**

- 1.1. This planning statement has been submitted on behalf of London and Cambridge Properties Limited (the applicant) in support of an application for planning permission for the change of use of the basement and ground floors from Use Class A2 professional and financial services to Class A5 hot food takeaway at 96 Sandgate Road, Folkestone.
- 1.2. This report should be read in conjunction with the accompanying plans which include:-
- i. Site Location Plan
  - ii. Existing Floor Plans
  - iii. Proposed Floor Plans
  - iv. Existing and Proposed Elevations
- 1.3. Following this introduction, the Statement goes on to describe the site and surrounding area, relevant planning history as well as a description of the proposed use. Section 4 will then outline the relevant adopted and emerging planning policy context, and the proposals will be assessed in this context in Section 5.
- 1.4. Conclusions will be drawn in support of the proposals in Section 6. These will show that the proposals apply with the relevant policies in the statutory development plan and there are no material considerations that would prevent planning permission being granted.

## **2. SITE AND SURROUNDINGS**

- 2.1. The premises are located at 96 Sandgate Road within Folkestone Town Centre. The premises comprise a 3 storey property, comprising a vacant basement and ground floor retail unit and residential living space above. The building is not nationally or locally listed and is located within the Folkestone Town Centre Conservation Area.
- 2.2. This area of Sandgate Road provides a mix of Class A1, A2, A3 and A5 uses and is located within the Central/West Development Arc and a secondary shopping area. The shopping frontage comprises an eclectic mix of shopfront designs.
- 2.3. The premises are situated in a highly sustainable and accessible location. Folkestone Town Centre bus station and two multi-storey car parks are located within easy walking/cycling distance on Middleburg Square. Local bus services run along Sandgate Road.
- 2.4. On street parking provision is located immediately outside the premises along Sandgate Road and further afield in the nearby residential areas surrounding Folkestone Town Centre. The surrounding residential areas are within easy walking/cycling distance to and from the site.

### **3. PLANNING HISTORY**

3.1. There are a number of previous planning applications relating to these premises as follows: -

- Planning permission was granted for the change of use of the ground floor from retail to Class 2 Financial and Professional Services in 1988 under application no. 88/0215/SH.
- Planning permission was granted for the change of use to hot food takeaway (A3), alterations to shop front and rear extraction duct in 1988 under application no. 88/0796/SH.
- Planning permission granted for the change of use from retail (Class A1) to estate agency and financial services in 1998 under Class A2 under application no. 98/0830/SH.
- Planning permission was granted for the change of use and conversion of maisonettes to 2 flats together with external alterations in 2007 under application no. Y07/1350/HS.
- Planning permission was granted for the installation of new shop front in 2016 under application no. Y16/0883.SH.

## **4. PLANNING POLICY CONTEXT**

### **National Planning Policy**

- 4.1. National planning policy is now encompassed in the National Planning Policy Framework which was published in March 2012 and encompasses all the previous series of Planning Policy Guidance Notes and Statements (PPGs and PPSs) in a single document. Local Authorities are required to take its contents into account when preparing their Development Plans and also when making decisions on planning applications and appeals.
- 4.2. It sets out in a comprehensive document the Government's economic, environmental and social planning policies for the country and requires that the planning system must play an active role in guiding development to sustainable solutions (paragraph 8).
- 4.3. It sets out in a comprehensive document the Government's economic, environmental and social planning policies for the country. Sustainable development is defined and explained in paragraph 10 as: -
- Planning for Prosperity (an economic role)
  - Planning for People (a social role)
  - Planning for Places (an environmental role)
- 4.4. A presumption in favour of sustainable development is central to the NPPF (paragraph 14). It states that without economic growth a sustainable future cannot be achieved. A set of 12 core principles are set out in paragraph 17 which, amongst other things, seek: -
- Planning should proactively drive and support the sustainable economic development that this country needs making sure that every effort is made to identify and meet the housing, business and other development needs of an area.
  - Planning policies and decisions should make effective use of land and encourage multiple benefits for the use of land.
  - Planning policies and decisions should actively manage patterns of growth and make fullest use of public transport, walking, cycling etc.
  - Seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

- 4.5. Section 2 refers to the need for recognising town centres as the heart of communities and ensuring their vitality. It seeks to promote competitive town centres through the provision of customer choice and a range of suitable uses reflecting the individuality of the centres.
- 4.6. Paragraphs 34 and 37 of the guidance advise that land use planning, by shaping the pattern of development and balance of land uses and influencing location, scale, density and land use can help reduce the need to travel and improve accessibility.

#### **Statutory Development Plans**

- 4.7. The relevant planning policy context applicable to this proposal is set out in the Statutory Development Plan which currently comprises the Shepway District Local Plan First Review and the Shepway Core Strategy Local Plan.

#### **Shepway District Local Plan First Review (2006)**

- 4.8. The Local Plan First Review was statutorily adopted in 2006 and will remain a statutory planning document up to 2016.
- 4.9. Policy S4 is the most applicable policy for the determination of this proposal. It states: -

**“Within the secondary shopping area of Folkestone as defined on the proposals map, proposals for development, redevelopment or change of use for Class A1, A2 and A3 (A4, A5) uses will be permitted unless they would create a continuous frontage of 3 or more non-A1 units.**

**Proposals for the development, redevelopment or change of use of ground floor units in the Secondary Shopping Area to any other use class will only be allowed where it is demonstrated that they are appropriate to the character of the shopping area.”**

- 4.10. The supporting text of this policy states: - (Paragraph 5.19 and 5.20)

**“The function of the secondary area is to support the primary area, providing a wide range of shops, services and restaurants.**

**The retail function in the eastern periphery has declined in recent years and it is now considered that a retail protection policy is no longer suitable in this area.**

**The secondary are will remain to be the preferred location for non-A1 uses.”**

*Shepway Core Strategy Local Plan*

- 4.11. The Core Strategy was statutorily adopted in 2013 and covers the period up to 2031. Policies in this document that are relevant in the determination of this proposal are listed below.
- 4.12. Policy CSD6 ‘Central Folkestone Strategy’ identifies the location of the premises within the Central/West Development Arc which seeks to provide development opportunities for services that will contribute to the wider regeneration of the district and East Kent.
- 4.13. Policy SS3 ‘Place Shaping and Sustainable Settlements Strategy’ seeks to direct development towards existing sustainable settlements to protect the open countryside and the coastline to promote the creation of sustainable, vibrant and distinct communities.

*Shepway Places & Policies Local Plan Preferred Options*

- 4.14. The Council are currently preparing the above Local Plan and have reached preferred options stage.
- 4.15. Policy UA1 deals with Folkstone Town Centre. The proposals only still identifies the site within a secondary retail area and the relevant part of the policy states: -

**“...Within the Secondary Shopping Frontage (as defined in the Proposals Map) proposals for development, redevelopment or changes of use for Class A1, A2, A3 (A4, A5) uses will be permitted, provided that:**

- 1. They fall within the NPPF definition of ‘town centre uses’; or**
- 2. They fall under B1, C1, D1 or D2 uses, retain an active shop frontage and provide a complimentary function to the town centre...”**

## 5. JUSTIFICATION FOR THE PROPOSED DEVELOPMENT

5.1. There are a number of key issues in relation to the determination of the proposed development as follows:

- i) **Whether Policy S4 is still relevant in the determination of planning applications;**
- ii) **Whether the proposal would contribute to the wider regeneration of the district;**
- iii) **The benefits the proposal would bring;**

5.2. These issues are discussed in detail below:

- i) **Whether Policy S4 is still relevant in the determination of planning applications**

5.3. The proposals map of the Local Plan First Review identifies the premises as being located within a secondary shopping area within Folkestone Town Centre and so Policy S4 is a determining factor. However Policy UA1 of the emerging Places and Policies Local Plan also identifies the premises within a secondary shopping frontage.

5.4. The supporting text of Policy S4 states the function of the secondary shopping area is to support the primary shopping area, providing a wide range of shops and services. It also states that there is not to be 3 or more non A1 units forming a continuous frontage.

5.5. In the eastern secondary shopping area of Folkestone Town Centre, Policy S4 has been removed as it is considered no longer suitable in this area due to the high number of non A1 uses.

5.6. The application site is already in non retail use and the proposal is for a further non retail use. Accordingly there is no increase in non retail uses within this part of the frontage.

5.7. Marketing of the unit commenced on the 18<sup>th</sup> March 2016. It included advertising via the applicant's website, show room and local press. Furthermore the unit is in the applicant's general marketing register and estate agent clearance house circulars identifying the unit's availability on behalf of multiple retailers (Appendix 1). The marketing has only resulted in three enquiries and one viewing with little interest shown in continued Class A2 use. This signifies the need for a change of use to create marketable interest in the unit.

5.8. In view of the above, it is considered that the proposal is appropriate to the character of the shopping area and thus complies with the remainder of Policy S4 and the emerging Policy UA1.

**ii) Whether the proposal would contribute to the wider regeneration of the district**

5.9. Figure 5.5 ‘Central Folkestone Strategy’ of the Shepway Core Strategy has identified the premises as being located within the Central/West Development Arc. This arc provides opportunities for services that will contribute to the wider regeneration of the district.

5.10. The proposal would result in a hot food takeaway occupying an otherwise vacant unit within the sustainable settlement boundaries of Folkestone Town Centre. The unit has been marketed for 8 months with little interest.

5.11. The proposal would result in an active frontage within a designated secondary shopping area and a shopping frontage. The active frontage would increase levels of pedestrian footfall and subsequently increase the social vibrancy of the immediate locality.

5.12. In view of the above, the proposal would help aid in the regeneration of its immediate locality displaying a clear indicator of investment within the Central/West Development Arc. As such, it is considered the proposal complies with Policy CSD6 and SS3.

**iii) The benefits the proposal would bring**

5.13. There are a range of benefits associated with the proposed development which need to be taken into account and be given due weight in the planning balance:

- The reuse of a vacant unit for which there is no demand for retail purposes;
- Provision of employment opportunities;
- A proposal which would enhance the vitality and viability of the secondary shopping area;
- A significant financial investment in the Folkestone Town Centre improving its vitality and viability.

## 6. CONCLUSIONS

- 6.1. The applicant proposes the change of use of the ground floor from Use Class A2 financial and professional services to Use Class A5 hot food takeaway at 96 Sandgate Road, Folkestone.
- 6.2. The site is not in retail use and there will be no loss of retail as a result of the proposals. Furthermore, there will be no increase in non retail use.
- 6.3. The marketing of the unit commenced in March 2016. Many marketing strategies were used, including advertisement on the applicant's website and in the local press. This resulted in only one viewing with little interest shown from potential tenants. As such it is considered the need for a change of use to create marketable interest in the unit.
- 6.4. The proposal would aid in the regeneration of the secondary shopping area, as well as the Central/Western Development Arc, thus contributing to the objectives of Policy CSD6 and SS3.
- 6.5. There are a range of benefits relating to the proposal which include:
  - Reuse of a vacant unit for which there is little demand for retail purposes;
  - A proposal which would enhance the vitality and viability of the secondary shopping area;
  - A significant financial investment in the premises;
  - Provision of employment opportunities.
- 6.6. In view of all the above, it is considered that a proper assessment of the proposal reveals that it complies with the relevant national and local planning policy and that planning permission should be granted.

## **APPENDIX 1**

### **Marketing Letter**

Our Ref: C/SR 96/CG

Mr R Allen  
LCP Securities Ltd  
C/o London and Cambridge Properties Management Ltd  
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Millbank  
London  
SW1P 4QP

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11<sup>th</sup> November 2016

Dear Richard

**Re: 96 Sandgate Road Folkestone Kent CT20 2BE**

Further to our continued marketing of the above property for your company naturally we are sorry that we have not been able to identify a suitable applicant for you, and consider now would be an opportune time to provide you with our marketing report.

We commenced marketing on the 18<sup>th</sup> March 2016 given we were aware that your tenant had served notice to terminate their lease, though I note you formally instructed us on the 13<sup>th</sup> September 2016.

In accordance with our recommendation we have invited rental offers, due to the prevailing difficult market for retail premises and note your companies preparedness to be flexible in any negotiations, in an effort to encourage applicants to make a form of offer, but alas this has to date not induced any offers whatsoever.

We take this opportunity to note that the rental value of the shop based on our letting of 94 is in the order of £20,000 per annum which as an asking rent would deter most applicants and note that you would entertain rental offers in the order of £15,000 or so.

It is unfortunate that our applicant Mr Aram Swiatkowski, the temporary tenant of 94 Sandgate had found insufficient trade for his clothing store business to be prepared to move into 96 when we introduced Mr Bhatia and his nail bar business to 94.

In the marketing period to date we have circulated the details to a few of our applicants on our mailing register, undertaken two Estate Agent Clearance House circulars drawing the availability of the property to all retained surveyors seeking retail premises country wide, advertised within the press Folkestone Herald and Dover express and exposed the same on the web via three websites: our own, Rightmove as well as CoStar. We have also sought to target potentially suitable occupiers for the property.

However, notwithstanding our proactive approach, we have unfortunately in the extended marketing period to date, only been able to induce 3 enquiries and one viewing, a barber, who decided there were too many traders of that type within the vicinity.

In our experience, over the years, there has been a very strong demand from A5 users for this section of Sandgate Road and would highly recommend that you consider alternative uses for this shop, given the total lack of demand from A1 and A2 users for this property. We are firmly of the view that unless alternative uses for this shop are entertained the same will remain vacant for the foreseeable future.

Should you have any queries or require further advice or assistance please do not hesitate to contact us at any time, however, rest assured that in the meantime we shall continue to do our utmost to seek to identify a suitable applicant for you, in what is an extremely difficult market place.

Yours sincerely

Colin Greenstreet  
**Commercial Agency Manager**  
**For and on behalf of**  
**Fell Reynolds**