

## Officer Report

Application No.	25/1922/FH
Site Address	22-26 Dover Road & 3 Mill Bay, Folkestone, CT20 1JQ
Officer Name	Robert Allan
Proposal	Change of use & conversion of part of the existing offices into four self-contained flats with associated alterations, including the replacement of the existing shop fronts.

### Recommendation

Report Number	RD-439062
Recommended Decision	Recommended to be Refused
Recommendation Date	18 December 2025

### Report

#### SITE

The application site is within the defined settlement boundary and defined Town Centre of Folkestone, as well as the Folkestone Leas and Bayle Conservation Area. The site is within 5 metres of a main watercourse – the Pent Stream – which is culverted under Tontine Street and is within flood zone 3 of the Environment Agency’s flood risk maps.

The property has frontage to Mill Bay, Tontine Street and Dover Road, sitting at the intersection of these roads. The building is three storeys fronting Tontine Street, reducing to two storeys on the Mill Bay frontage. The upper floors of the main building have previously been converted to self-contained residential flats. The upper and lower ground floors to the building are occupied as offices used by South Kent Mind, a registered charity, and include a small café area, numerous offices and associated rooms on the lower ground floor.

The buildings have been modified over the years and include infilled shopfronts with modern UPVC doors and glazing.

#### HISTORY

The most relevant planning history is set out below:

24 – 26 Dover Road

CH/3/49/274 – Re-instatement of shop fronts. Approved.

SH/78/92 – Use of GR/Lower FL as auction sale room. Approved with conditions.

SH/78/250 – Use of GR/Lower floors as auction rooms. Approved with conditions.

87/0279/SH – Conversion to 2 no maisonettes and 1 no flat (as amended by drawing 86/059/3/B accompanying letter dated 7 April 1987. Approved with conditions.

92/0245/SH – Change of use from offices & storage to offices day centre cafe sheltered workshop & employment training and storage. Approved with conditions.

95/0188/SH – Alterations to the side elevation fronting onto Mill Bay. Approved with conditions.

98/0926/SH – Alterations to the elevations fronting onto Mill Bay and Dover Road. Approved with conditions.

Y07/0086/SH – Erection of a smoking terrace to rear elevation of 3 Mill Bay. Approved with conditions.

22 Dover Road

88/0823/SH – Conversion to bedsitting room at first floor level and two bed maisonette above (as amended by drawing no.556/1 accompanying letter dated 5th October 1988 and received 6th October 1988). Approved.

Y03/1106/SH – Display of non-illuminated fascia sign. Approved with conditions.

Y16/0200/SH – Replacement of shopfront to unify all three properties in the same ownership (MIND), together with redecoration at the end of the process. Refused.

## PROPOSAL

This application seeks planning permission for the part conversion of the existing offices at ground and rear first floor levels into four self-contained flats with associated alterations, including the replacement of the existing shopfronts. It is proposed to retain the commercial aspect (Use Class E) on the lower ground floors to No.'s 24 & 26 Dover Road and No. 3 Mill Bay.

The rear yard area is to be retained and used for bin and recyclable storage. An existing balcony area (former smoking terrace for the office use) to the rear is proposed to be retained to provide outdoor space for flat 3.

The alterations would result in the removal of the current UPVC shopfronts and glazing and infilling with matching brickwork and render finishing, along with timber sash windows and doors.

Stated occupancy Stated GIA Req. GIA

Flat 1 1 bed / 2 person 58sqm 50sqm

Flat 2 2 bed / 4 person 70sqm 70sqm

Flat 3 1 bed / 1 person 37sqm 37sqm

Flat 4 1 bed / 2 person 50sqm 50sqm

Evidence of an intent to market has been supplied, and it is stated that the property has been advertised on Rightmove, Zoopla, OntheMarket, Co-Star and Motis Estates from 3rd July 2025. An assessment of the premises has been carried out, concluding that "In our [Motis'] opinion the property is not suited for an office or retail use as the requirement is for modern open plan offices with air conditioning, LED lighting and CAT5 cabling with parking facilities and the property is not in a high footfall area for a retail shop to be sustainable."

## CONSULTATION RESPONSES

Folkestone Town Council: Object. Insufficient marketing to justify loss of commercial space. Amenity issues r.e. ventilation / air quality & refuse collection not adequately detailed.

KCC Highways & Transportation: Outside of consultation protocol.

Environment Agency: Object. Lack of an adequate flood risk assessment.

Southern Water: No habitable rooms shall be located within a minimum 15 metres of the boundary of an existing water/wastewater pumping station, due to the vibration and noise generated by all types of pumping stations and the potential odour.

Environmental Health: No objection subject to conditions.

## REPRESENTATIONS

Two representations received objecting on ground of:

Parking  
Bin storage  
Loss of active shop frontages  
Loss of facility for a mental health charity / community use  
Inadequate FRA  
Doesn't meet HB3  
Incomplete drawings  
Inadequate bin storage  
Structural alterations  
Substandard living conditions

## PUBLICITY

Neighbour letter. Expired 19 November 2025  
Site notice. Expired 28 November 2025  
Press notice. Expired 27 November 2025

## RELEVANT POLICIES

The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022.

Places and Policies Local Plan: HB1, HB3, HB8, T2, T5, RL2, RL10, E2  
Core Strategy Review 2022: SS1, SS3, SS4  
NPPF 2023 paragraphs: 11, 39, 48, 85, 90, 124, 125, 131, 135, 178, 181, 200, 207, 212  
NPPG: Historic Environment, Flood Risk & Coastal Change

## APPRAISAL

Loss of employment use

The site lies within the defined settlement boundary of Folkestone and occupies a sustainable location within walking distance of shops and services. This aligns with the principles of Core Strategy Review Policies SS1 and SS3, which direct development toward existing sustainable settlements and encourage opportunities for increased densities.

Policy SS4 of the Core Strategy Review supports development that complies with national policy and contributes to the continued viability of town centres, with town centre activities located sequentially in town centres first.

Policy RL2 of the Places and Policies Local Plan supports proposals within designated town centre areas where development provides a range of town centre uses that enhance vitality and viability, particularly where it can be demonstrated that the scheme would support the evening economy. Residential development is also supported on upper floors where it enhances vitality and viability and does not result in the loss of town centre uses or active frontages at street level. Paragraph 90(f) of the NPPF similarly recognises that residential development can play an important role in ensuring the vitality of town centres on appropriate sites.

Policy E2 seeks to protect sites for business purposes under Classes B1 and B8, with B1 uses now generally falling within Use Class E following legislative changes in 2020. Evidence from the

Employment Land Review indicates a need to retain land and properties to support the district's employment requirements. Where employment sites are proposed for alternative uses, the Council expects applicants to demonstrate why the site is no longer required, why redevelopment for employment use would not be viable, or, if vacant, provide evidence of marketing over the previous 12 months.

While the proposal includes some retained commercial space (Use Class E) at lower ground floor, this is significantly reduced compared to the existing provision. The reduction would be particularly harmful along Dover Road, where the street frontage and commercial office use would be lost. As noted above, Policy E2 requires that proposals to fully or partly redevelop employment sites for non-employment uses demonstrate that the existing use is no longer required, has been marketed for at least 12 months, and that the site is unviable for alternative employment use. In this case, the application includes limited marketing evidence covering July to October 2025, noting four enquiries but providing no details of those enquiries, pricing, or terms. Consequently, it has not been demonstrated that there is no longer a need for office or commercial uses in this location and does not comply with policy.

Although residential use could contribute to town centre vitality through increased footfall, the proposed change of the upper ground floor to residential, combined with the associated physical alterations, would result in the loss of commercial use within the defined town centre and the removal of active frontage at street level. The evidence submitted does not demonstrate that the loss of this unit would be acceptable in an area characterised by numerous ground-floor commercial premises in a town-centre setting.

Overall, the loss of the existing office use has not been justified and is therefore contrary to the aims of Places and Policies Local Plan Policies E2 and RL2 and paragraph 90 of the NPPF, which seek to promote the long term vitality and viability of town centres and safeguard existing business uses.

#### Amenities of neighbouring and future occupiers

Policy HB1 states that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook. Policy HB3 is concerned with space standards and is considered relevant, whilst policy HB8 seeks to ensure that alterations and extensions should protect the residential amenity of the occupants of neighbouring properties and ensure avoidance of unacceptable overlooking and inter-looking.

#### Future Occupiers

All the units shown meet the adopted standards of the nationally described technical housing space standard as regards gross internal area (GIA), with built-in storage shown within all units. There is no evidence to suggest that any of the units would have inadequate light or sufficiently poor outlook as to warrant a ground for refusal.

External amenity space would only be provided for units 3. Whilst this is contrary to the development plan, Payers Park and the Harbour are within walking distance, and whilst this is not a direct substitution for private amenity space, it is considered that the needs of the future occupiers could be addressed and would be unlikely to form a sustainable ground for refusal.

Southern Water has objected to the proposal, advising that no habitable rooms should be located within 15 metres of the boundary of an existing water/wastewater pumping station due to potential impacts from vibration, noise, and odour. The pumping station is located approximately 5 metres from the outer wall of the premises. No evidence has been provided to address this concern, and it

has therefore not been satisfactorily demonstrated that the residential amenity of future occupiers would be protected from these impacts. The proposal is consequently contrary to Policy HB1 of the Places and Policies Local Plan and paragraph 135 of the National Planning Policy Framework.

#### Existing Residential Occupiers

The general nature of the proposed residential uses would be compatible with neighbouring residential uses and commercial activity, so there would be no likely detrimental impact upon residential amenity for neighbouring occupiers from noise and disturbance. Having regard to the agents of change principle, there are not seen to be any nearby businesses that would be impacted through the location of residential uses here, with other residential uses seen to be in places on upper floors already.

Most windows and doors would remain the same, although additional openings are proposed. On assessment, there would be no external alterations proposed that could cause any potential impact from overbearing/overshadowing or overlooking.

Overall, there would be no detrimental impact upon residential amenity of neighbouring occupiers in accordance with Places and Policies Local Plan policies HB1 and HB8.

#### Visual Impact

The proposal seeks to replace the existing frontage to facilitate a change of use from commercial to residential. The poor quality of the current frontage is acknowledged, particularly the inappropriate UPVC framing, which is unsuited to a conservation area and contrasts sharply with the adjacent shopfront at 75–81 Tontine Street, vestiges of traditional detailing remain. These include glazed tiles, ornamental shopfront features, and a blind. The upper floors of the building are well-detailed and, by retaining their period character, contribute positively to the designated conservation area at this highly visible junction within the street scene.

Historically, the application site and adjoining buildings would have incorporated traditional shopfronts designed as integral elements of the building. Such shopfronts typically featured a recessed entrance, stallriser, one or two vertical mullions, a transom rail at door-head level, clerestory or transom lights above, and timber construction.

The proposed alterations would infill the existing frontage and, despite incorporating sliding sash windows, fail to respect the diminishing proportions characteristic of traditional architecture. These proportions are evident in the existing hierarchy of openings: large glazed areas at ground floor, smaller windows above, and the smallest openings at upper levels—features consistent with the predominantly Victorian and Edwardian buildings that define the wider area's character. Although the existing shopfront is not original in terms of materials or detailing, it retains a more traditional character than the proposed design. The proposal would result in the complete loss of the shopfront form and active frontage, particularly along Dover Road, and its domestic appearance and altered proportions would be harmful to the commercial street scene, appearing at odds with its established character.

While the challenge of achieving compliance with Building Regulations and providing acceptable living conditions for future occupants is noted, the shopfront reflects the historic commercial use of the structure within a historically commercial area that is now a designated conservation area. The design and proportions of the altered frontage would fail to relate to the character of the building and its locality and would not preserve or enhance the character or appearance of the heritage asset

or its setting, contrary to Policy RL10 of the Places and Policies Local Plan and the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

For the reasons outlined above, the proposed alterations would result in harm to the significance of the designated heritage asset (the conservation area) and no public benefits have been identified to outweigh this harm. The development is therefore considered unacceptable in terms of the provisions set out within paragraphs 202–221 of the National Planning Policy Framework (NPPF).

Granting permission for the proposed alterations would conflict with national and local policies that place great weight on preserving the character and appearance of conservation areas. The proposal would give rise to less than substantial harm to the significance of the designated heritage asset, triggering the need to engage paragraph 208 of the NPPF and balance the harm against any public benefits, which will be addressed later in this report.

#### Flooding

This application proposes new ground floor accommodation situated within Flood Zone 3. It must therefore be demonstrated that the property is going to be safe for the lifetime of the development and policy requires that a site-specific flood risk assessment (FRA) is supplied.

The Environment Agency have reviewed the submitted and whilst it proposes finished floor levels set at or above 11.28m AOD, it is unclear what these levels are in relation to the design flood level. A design flood level is identified in the FRA, but it is not clear from which return period and data it has been derived from. Furthermore, an assessment of the impact of climate change on flood risk should be made using the appropriate climate change allowances, which has not been done.

It is also identified that the FRA fails to consider how a range of flooding events (including extreme events) will affect people and property, or take the impacts of climate change into account, using appropriate climate change allowances.

The sequential test is not applicable, as it is a change of use, but the proposal introduces a more vulnerable use to the site, so the exception test must be applied. In this regard, insufficient information has been supplied to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall, contrary to National Planning Policy framework paragraphs 178 & 181.

#### Highways considerations

The site is within the defined town centre, with a maximum parking requirement of 1 car parking space per unit. In this regard, there is no requirement to provide parking, given the 'maximum' requirement. The site is located within walking distance of shops and services with good access to public transport (bus stops) and pedestrian footways. It is considered that the sustainable location and regulation via the controlled parking would result in no detrimental impact likely from the lack of on or off-street parking and it would not constitute a reasonable ground for refusal in respect of policy T2 of the PPLP.

A cycle storage area is shown on the submitted plans to serve the entire development and would be considered adequate for this purpose, allowing independent cycle access and providing a secure, covered area, which could be secured by condition. This would accord with policy T5 of the PPLP.

#### Housing Land Supply / Tilted Balance

Paragraph 11 of the National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development. For decision-making, this means approving proposals that accord with an up-to-date development plan without delay, or, where relevant policies are absent or out-of-date, granting permission unless adverse impacts significantly and demonstrably outweigh the benefit.

Policies are considered out-of-date either where (i) the Council cannot demonstrate a five-year housing land supply, or (ii) the policies are inconsistent with national policy. However, it should be noted that the NPPF makes it clear that the presumption in favour of sustainable development does not automatically apply to sites in identified flood risk zones, the level of harm still needs to be taken into account.

On the first point, it is acknowledged that at the time of the application—and currently—the Council can only demonstrate a 3.1-year housing land supply, despite the adoption of a Housing Delivery Action Plan (August 2025). On the second point, the development plan policies relevant to the issues identified within the report are HB1, which safeguards amenity, and E2, which safeguards employment site. These align with NPPF paragraph 135 which promotes a high standard of amenity for existing and future users, and paragraph 90, which promotes the vitality of town centres.

Accordingly, even if HB1 and E2 were treated as part of a plan that is out-of-date for the purposes of paragraph 11(d), they remain consistent with the NPPF and continue to attract significant weight in judging the effect of development on existing and future users and town centres. The extent of that weight is for the decision-maker, applying planning judgment.

The proposal would provide four self-contained units of accommodation, which would make a modest contribution toward housing delivery targets and the vitality and viability of the town centre, which would be considered to carry moderate weight in favour of the proposal.

The lack of external amenity space is considered in character with the surrounding development, with access to local amenity areas considered a reasonable alternative. The units would meet adopted standards for internal space, and would provide bicycle parking to adopted standards, with no issues in relation to parking provision. These are neutral considerations, that weigh neither for, nor against, the development.

The failure to adequately address the potential flooding issues at the site, the identified harm to the visual character of the designated conservation area and the visual character of the building itself, as well as the unresolved amenity issues in relation to the noise, vibration and odour issues from a water/wastewater pumping station, and the loss of commercial premises, together are considered to significantly outweigh the identified benefits of the proposal and it would be an unsustainable development contrary to the aims of development plan policy and the NPPF.

Ensuring the vitality of town centres, the promotion of well-designed places, conserving and enhancing the historic environment and meeting the challenge of climate change, flooding and coastal change are core objectives within the NPPF and are not considered subordinate to housing supply ambitions. However, these considerations do not outweigh the potential harm (as set out above) that would arise from the conflict with the development plan and national policy concerning the loss of the community facility, without adequate justification.

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.

#### Local Finance Considerations

Section 70(2) of the Town & 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 local finance considerations 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. This development would be CIL-liable.

#### 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 development does not conflict with objectives of the Duty.

#### Duty to cooperate

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application. In this instance the development was considered unacceptable for multiple fundamental reasons that could not be addressed within statutory timeframes.

#### Recommendation

For the reasons set out above, the proposal is on balance recommended for refusal.

### **Recommended Refusal Reasons (4)**

1

The proposal would introduce a more vulnerable residential use into an area identified as being within Flood Zone 3. Insufficient information has been supplied in the Flood Risk Assessment to demonstrate that the proposed development would be safe for its lifetime, taking climate change into account, without increasing flood risk elsewhere. In the absence of this information, the Local Planning Authority is unable to confirm that future occupiers would be safe in a flood event, contrary to Local Plan Policy SS1 and SS3 and National Planning Policy Framework paragraphs 178 & 181.

2

The proposal, by virtue of its design and loss of the existing shopfront, would remove an active frontage and replace it with an incongruous and unsympathetic domestic form of development, in a prominent commercial location, failing to respect the character and appearance of the building and the surrounding street scene. This would cause detrimental harm to the significance, character, and appearance of the designated conservation area, with no public benefits identified to outweigh that harm. The proposal is therefore contrary to Local Plan Policies HB1 and HB8, the aims of the National Planning Policy Framework, and the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3

Insufficient information has been provided to satisfactorily assess the potential adverse impacts from the adjacent water/wastewater pumping station, in terms of noise, vibration, or odour and the effect it would have on future occupiers. In the absence of this information, the Local Planning Authority is unable to confirm that the proposal would safeguard the residential amenities and living conditions of future occupiers of the development. The proposal is therefore contrary to Policy HB1 of the Places and Policies Local Plan and paragraph 135 of the National Planning Policy Framework.

4

Insufficient marketing information has been submitted with the application to justify the loss of commercial office space and its conversion to residential dwellings and as such, the proposal has failed to demonstrate that a business or commercial use is not viable on site. The loss of employment sites, without adequate justification, could result in the district failing to provide a range of potential commercial locations to meet its employment needs in the future. In the absence of this information, the Local Planning Authority is unable to confirm that the proposal would preserve the vitality and viability of Folkestone Town Centre and therefore it

would be contrary to the aims of Places and Policies Local Plan policies E2 and RL2, and National Planning Policy Framework paragraph 90.

**Suggested Informatives (1)**

1

Your attention is drawn to the fact that this refusal of planning permission is on the basis of submitted documents:

023/22/03 Rev. A

Motis Estates letter KF/MC/1603 10 October 2025

Flood Risk Assessment (FRA) by: S. I. Chartered Building Surveyors;  
dated: 15/10/2025

Design Access & Heritage Statement by: S. I. Chartered Building Surveyors;  
dated: 15/10/2025