

Officer Report

Application No.	25/2102/FH
Site Address	69 SANDGATE ROAD, FOLKESTONE, CT20 2AF
Officer Name	Laura Cook
Proposal	Retrospective application for the Installation of external flue on rear elevation.

Recommendation

Report Number	RD-439107
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	06 January 2026

Report

Site

The application site is located on the corner of Sandgate Road and West Terrace within the defined settlement boundary of Folkestone. The area subject of the application is situated to the rear of the building. The extraction flu is already in situ. There are a number of extraction flus present to the rear of neighbouring proerties of varying types and sizes.

The site is situated within a shopping area as defined in the Local Plan adjacent to the Folkestone Leas and Bayle Conservation Area.

At ground floor level the building serves a hot food takeaway with the above floors used as office spaces.

Constraints

Site of Special Scientific Interest – Impact Risk Zones

Archaeological Notification Area – Class 2

Adjacent to the Folkestone Leas and Bayle Conservation Area

Relevant Site History

25/0964/FH - Retrospective application for the Installation of external flue on rear elevation.
Refused.

Insufficient information has been provided with regards to the potential for odour impacts resulting from the proposed flue. In the absence of this information, the Local Planning Authority are unable to conclude that the proposal would not result in unacceptable levels of odour to the detriment of neighbouring amenity. The proposal is therefore contrary to policy HB1 of the Places and Policies Local Plan which seeks to protect the residential amenity of the occupants of neighbouring properties and paragraph 187 of the National Planning Policy Framework (2024).

Proposal

Planning permission is sought retrospectively for the installation of an external flue to the rear elevation of the building. The flue is located directly below upper floor windows which serve business premises. The information provided in the design and access statement states that the upper floor windows serve a lobby, W.Cs and a stairway in association with the office space above.

Consultation Responses

Consultation responses are available in full on the planning file.

Folkestone Town Council – No objection, however the Committee would encourage the applicant to take note of neighbours' concerns.

Environmental Health – Accepts the findings within the submitted odour assessment, subject to the highlighted mitigations. It accepts the findings of the assessment of new extraction system in accordance with BS4142+A1.

Representations

No representation have been received.

Relevant Policies

Places and Policies Local Plan 2020

HB1 (Quality Place Through Design)

HB8 (Alterations and Extensions to Buildings)

Core Strategy Review 2022

NPPF

Chapter 16 – Conserving and enhancing the Historic Environment; Paras. 202-214

Chapter 16 of the NPPF requires the impact on the significance of the designated heritage asset to be considered and where potential harm is identified, the harm needs to be categorised as either "less than substantial harm" or "substantial harm". The National Planning Practice Guidance (NPPG) states that whether a proposal causes substantial harm will be a judgement for the decision maker, but it also makes it clear that substantial harm is a high test.

The NPPF states that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise, that harm might be. Any harm to or loss of the significance of a designated heritage asset should require clear and convincing justification. Where a proposal would result in less than substantial harm, the NPPF requires that it is weighed against the public benefits of a proposal. Heritage benefits are a public benefit to consider in the weighing exercise.

NPPG

Historic Environment

Planning (Listed Buildings and Conservation Area) Act 1990

Section 66(1) requires special regard to be had to the desirability of preserving the Listed Building or its setting or any special architectural or historic features it possesses.

Section 72(1) requires special regard to be had to the desirability of preserving and enhancing the Conservation Area and/or its setting.

Appraisal

Background

The flue is required in association with a kitchen extraction system within the ground floor of the business premises, currently operation has a takeaway.

The previous application 25/0964/FH was refused as a result of insufficient information having been provided with regards to the potential for odour impacts resulting from the proposed flue. The full reason for refusal is set out within the Planning History section above.

The current application has sought to address the previous concerns raised and has been accompanied by both an Odour Assessment and Extraction System Noise Assessment.

Design, Visual Appearance and impact on the Conservation Area

In addition to the requirements of Policies HB1 and HB8 (referenced above), as the site is located within the Folkestone Leas and Bayle Conservation Area (the significance of which derives from its architectural and historic importance) consideration must be given to any potential harm that may result from the works on the significance of the heritage asset, in accordance with the requirements of paras. 202-214 of the NPPF.

Although the extractor system presents as a bulky addition to the building's rear elevation, its location within the service area (alongside parking and other associated equipment) means it does not significantly affect the character or appearance of the property or the surrounding area.

It is acknowledged that the rear of the site lies within the Folkestone Leas and Bayle Conservation Area, where development has the potential to affect its setting. However, as the flue is positioned at the rear of the site, an area that already contains other examples of flues and extraction systems of varying designs and scales on surrounding business properties, and is not widely visible from the conservation area, it is considered that the flue does not cause harm to the historic character of the site.

On balance there are no objections to the design and appearance of the extraction system and is considered to be acceptable in accordance with both local and national policy.

Residential Amenity

The extraction system is not considered to be harmful to the residential amenity of neighbouring occupants by way of loss of light, overbearing impact or loss of privacy due to the nature of the development.

Environmental Health has raised no objection to the proposal confirming that the submitted Noise Impact Assessment is in accordance with BS4142+A1 and is considered to be acceptable. The Assessment has adequately demonstrated that the flue would have a low impact on the residential amenity of surrounding properties by way of noise. However, it is considered necessary to impose a condition on any forthcoming planning permission restricting noise levels system beyond the current operating hours (up to 23:00hrs) as set out within the Extraction System Noise Assessment.

The Council's Environmental Health also accepts the findings set out within the Odour Assessment of Commercial Kitchen Exhaust System, concluding that the flu is unlikely to result in undue harm to residential neighbouring development in terms of odour. Again, any forthcoming planning permission would be subject to a condition ensuring that the mitigations highlighted within the report is carried out.

The additional information provided with this current submission are considered to adequately address previous concerns, in compliance with Policy HB1 of the PPLP. No objection is raised.

Other Matters

Given the nature of development, it is not considered that it would result in any harmful impact on SSSI or to buried heritage assets. It is not considered that any mitigation measures would be required in this case.

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.

Duty to Cooperate

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), December 2024 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.

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.

In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals focused on solutions. We seek to work with applicants/agents in a positive and creative way by:

- Offering a pre-application advice service;
- 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 application was acceptable as submitted.

Recommendation

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

Recommended Conditions (3)

1

The development hereby permitted shall be retained in complete accordance with the following approved drawings and documents:

Location Plan – Received 17.11.2025

Block Plan – Received 17.11.2025

Ground Floor Plan as Existing – Received 17.11.2025

Rear / East Elevations as Existing – Received 17.11.2025

Odour Assessment of Commercial Kitchen Exhaust System by Cleanair UK, dated 22 July 2025 – Received 17.11.2025

Acoustic Tests – Assessment of New Extraction System (APF/C/AFA929) dated 25 February 2025 – Received 17.11.2025

Planning Statement – Received 17.11.2025

Details of extract system dated 30 June 2025 – Received 17.11.2025

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

2

Within two months of the date of this permission, the mitigation measures set out in the Odour Assessment of Commercial Kitchen Exhaust System by Cleanair UK, dated 22 July 2025 shall be implemented. This shall include modifications to improve access to the carbon filter for regular servicing and maintenance of the high-grade filtration system, and the installation of additional inspection and cleaning panels. All mitigation measures shall be retained and maintained thereafter.

Reason: To safeguard the amenities of nearby residential properties.

3

Within two months of the date of this permission, the mitigation measures detailed within the Acoustic Tests – Assessment of New Extraction System (APF/C/AFA929)

dated 25 February 2025 shall be fully implemented. These measures shall include the installation of a 1D straight-through silencer. All mitigation measures shall be retained and maintained thereafter.

Reason: To protect the amenities of nearby residential properties.