

Application No: 22/0012/FH

Location of Site: 73 Cheriton High Street, Folkestone, CT19 4HE

Development: Change of use and conversion of first floor, second floor and the existing store building to form 6 no. one-bedroom, one person flats together with first floor rear extension and other external alterations.

Applicant: Mr Martin

Agent: Chris McMullon

Officer Contact: Robert Allan

SUMMARY

The report considers whether planning permission should be granted for the change of use of the first floor, second floor and the existing store building to form 6 no. one-bedroom flats. The report assesses the principle of the development in this location, the amenity of future occupants and neighbouring residents, the visual amenity and the character of the building, and associated parking and storage issues. It finds that although the development would not provide a policy compliant level of secure bicycle storage, the creation of six units of residential accommodation, which would make a modest contribution toward housing figures in a sustainable location that would also serve to contribute toward the vitality and viability of the Cheriton District Centre, is considered to outweigh this issue, with all other material considerations considered acceptable and in accordance with adopted policy.

RECOMMENDATION:

<p>That planning permission be granted subject to the conditions set out at the end of the report.</p>

1. INTRODUCTION

1.1. The application is reported to Committee due to the views of Folkestone Town Council.

2. SITE AND SURROUNDINGS

2.1. The application property is within the defined settlement boundary of Folkestone and the Cheriton District Centre, sitting at the junction with Cheriton High Street and Broomfield Road. The property is of Victorian / Edwardian era, two storeys in height, plus rooms in the roof space, and is finished with red brick, with a slate roof. At ground floor level, turning the corner of the street, is an attractive period shopfront serving the existing retail use. There is a single storey rear extension that has a first-floor roof garden. To the rear of the property is a two-storey outbuilding, used for storage in association with the ground floor retail use. The main property has rooms at first and

second floor level, which are currently in residential use. To the north east of the application site, on the opposite side of the road, is the Grade II listed Church Of All Souls.

2.2. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

3.1 The proposal is for the change of use and conversion of the first and second floors of the existing building from residential use above the shop, facilitated by a proposed first floor rear extension, to form two flats, together with the change of use and conversion of the existing store building associated with the ground floor retail use, to form four flats. All are single bedroom, single occupancy units. There would be a number of alterations to the outbuilding to form openings at ground floor level, first floor level, and within the roof slope, in order to serve the proposed flats. All ground floor windows would open inwards where adjacent to highways. The main existing and proposed elevations can be seen in images 1 – 4 below, whilst the proposed block plan can be seen in image 5.

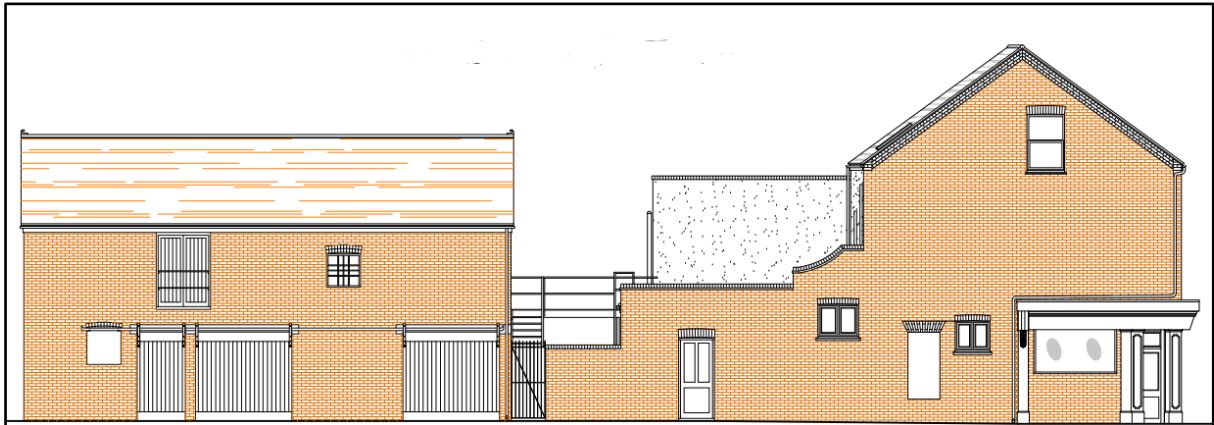


Image 1: Existing eastern elevation (Bloomfield Road)



Image 2: Proposed eastern elevation (Bloomfield Road)

3.2 No off-street car parking would be provided, but four secure cycle storage spaces and secure bin storage for the development would be provided within the site. There are no restrictions on Bloomfield Road preventing on street parking.

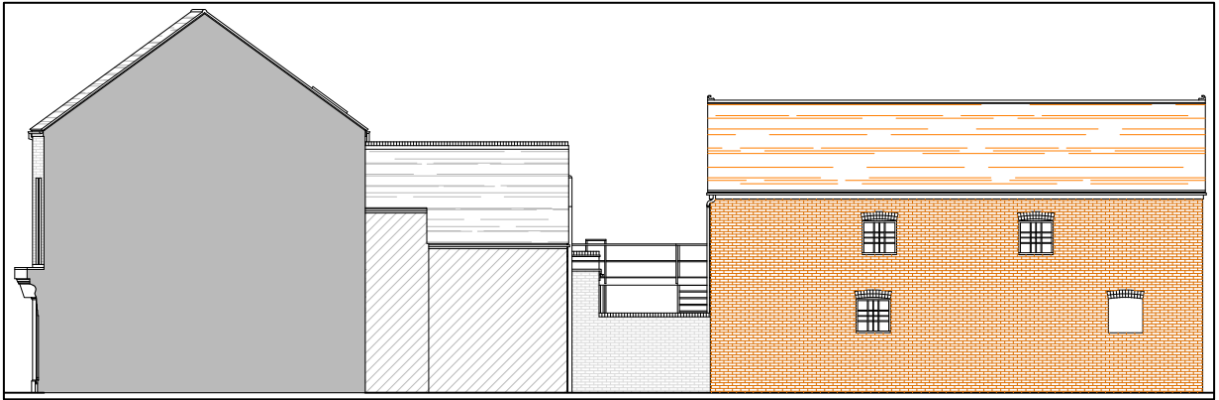


Image 3: Existing western elevation

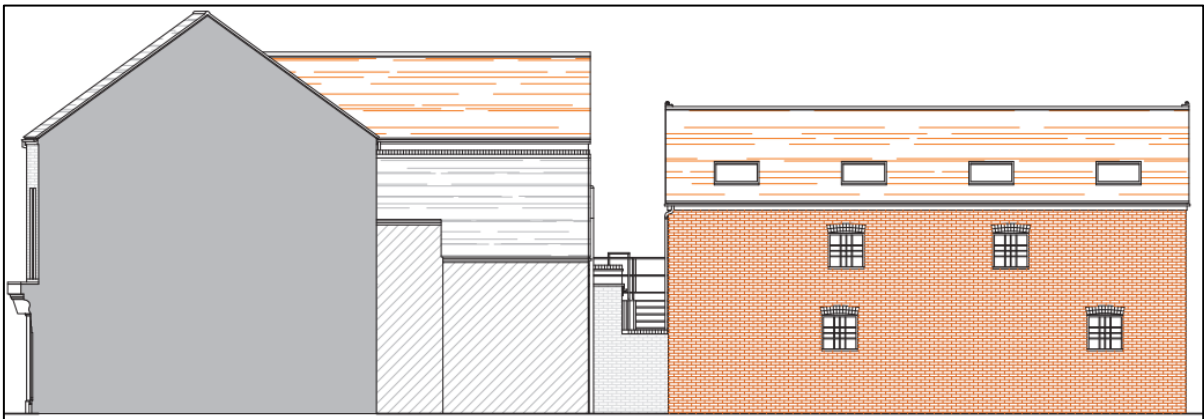


Image 4: Proposed western elevation

- 3.3 In addition to the drawings and application form, the following document was submitted by the applicant in support of the proposal:

Planning Statement

This document describes the site and surrounding area, sets out the background for the development, confirms the extent of the proposal in relation to matters of amount, siting and layout, appearance, and scale, provides a policy context and concludes that the proposal would sit well within the character of the local area, and would have no impact with regard to residential amenity, parking, highway safety, contamination or biodiversity.

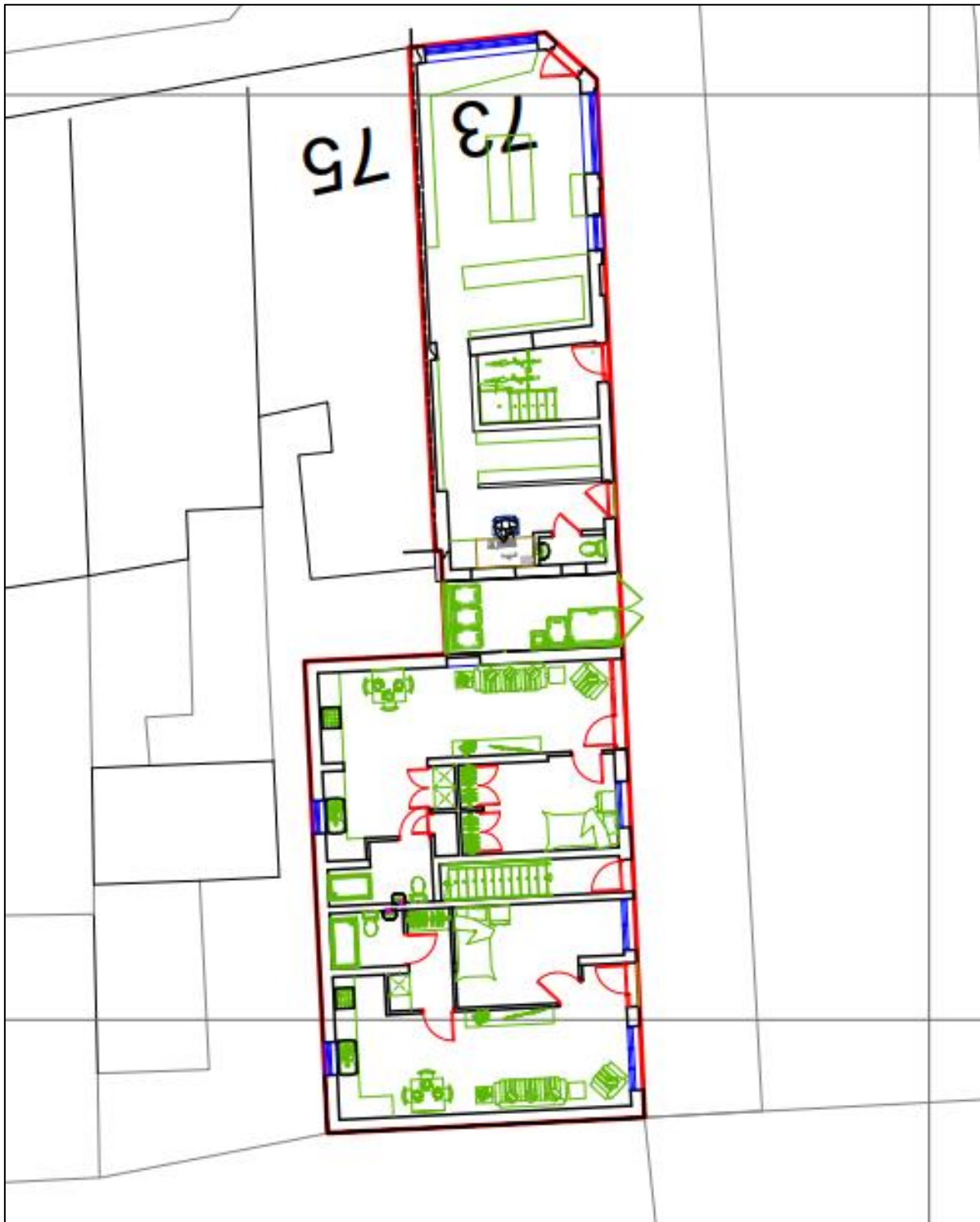


Figure 5: Proposed block plan

4. RELEVANT PLANNING HISTORY

4.1 There is no recorded planning history for the site.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council: Object – property has not been marketed for 12 months as required by policy and concern regarding parking facilities available.

KCC Highways & Transportation: No objection subject to conditions

Environmental Health Officer: No objection

Local Residents Comments

- 5.2 Twenty neighbours have been notified of the proposed development. Two letters of objection have been received, no letters of support received and no letters neither supporting nor objecting to the application.
- 5.3 I have read the letters received. The key issues are summarised below:

Objections

- Over-intensive development of the site
- Proposal does not comply with policy HB3 in respect of open space and balconies
- Neighbour amenity – windows facing gardens
- No on-site parking
- Inaccurate drawings
- Insufficient information to consider revised proposal – planning statement and application form have not been updated
- Flats are single occupancy with family accommodation preferred
- Bedrooms overlooked from street
- Insufficient information regarding sliding gate to bin and cycle store area
- If permission is granted there should be a condition requiring building recording to ensure historic building features are properly recorded

- 5.5 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022. The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022.
- 6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1	Quality Places Through Design
HB3	Internal and External Space Standards
RL5	Cheriton District Centre
T2	Parking Standards
T5	Cycle parking

Core Strategy Review 2022

SS1	District Spatial Strategy
SS3	Place-shaping and sustainable settlements strategy

6.3 The following are also material considerations to the determination of this application.

Government Advice

National Planning Policy Framework (NPPF) 2021

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF 2021 are relevant to this application: -

11	Presumption in favour of sustainable development
47	Applications for planning permission be determined in accordance with the development plan
93	Promoting healthy and safe communities
130	Achieving well-designed places

7. APPRAISAL

7.1 The main issues for consideration are:

- a) Principle
- b) Visual impact
- c) Residential amenity
- d) Highway
- e) Other issues

a) Principle

- 7.2 Core Strategy Review policies SS1 and SS3 require that development should be focussed on the most sustainable towns and villages. The application site is within the defined settlement boundary of Folkestone, a sub-regional town that has been designated to accommodate substantial residential development. In this respect, the broad principle of residential development at this site is acceptable.
- 7.3 Places and Policies Local Plan policy RL5 protects the Cheriton District Centre, which enjoys an attractive mix of retail outlets including a number of traditional independent stores, chemists, a hardware store and other services such as a post office, as well as a number of take-away outlets and fast-food retailers. This policy covers the ground floor, front portion of the application property, but not the rear store building, as can be seen on the policy map extract in figure 6 below. As there is no change of use proposed for the ground floor retail use, this policy does not apply to it.



Figure 6: extent of PPLP policy RL5

- 7.4 Further, as the retail element remains, the development would not threaten the vitality and viability of the centre and retains an active frontage, to the benefit of the Cheriton District Centre. .
- 7.5 Subject to all other material planning considerations, the principle of the proposed development at this site is considered acceptable.

b) Visual Impact

- 7.6 Policy HB1 states that planning permission will be granted where the proposal makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character.
- 7.7 The application property is attached to number 75, which has a two-storey, mono pitched extension adjacent to the existing first floor roof garden area. It is proposed to

construct a first-floor extension with a pitched roof in order to create additional living space for the proposed conversion. The existing and proposed southern elevations can be seen below in image 5.

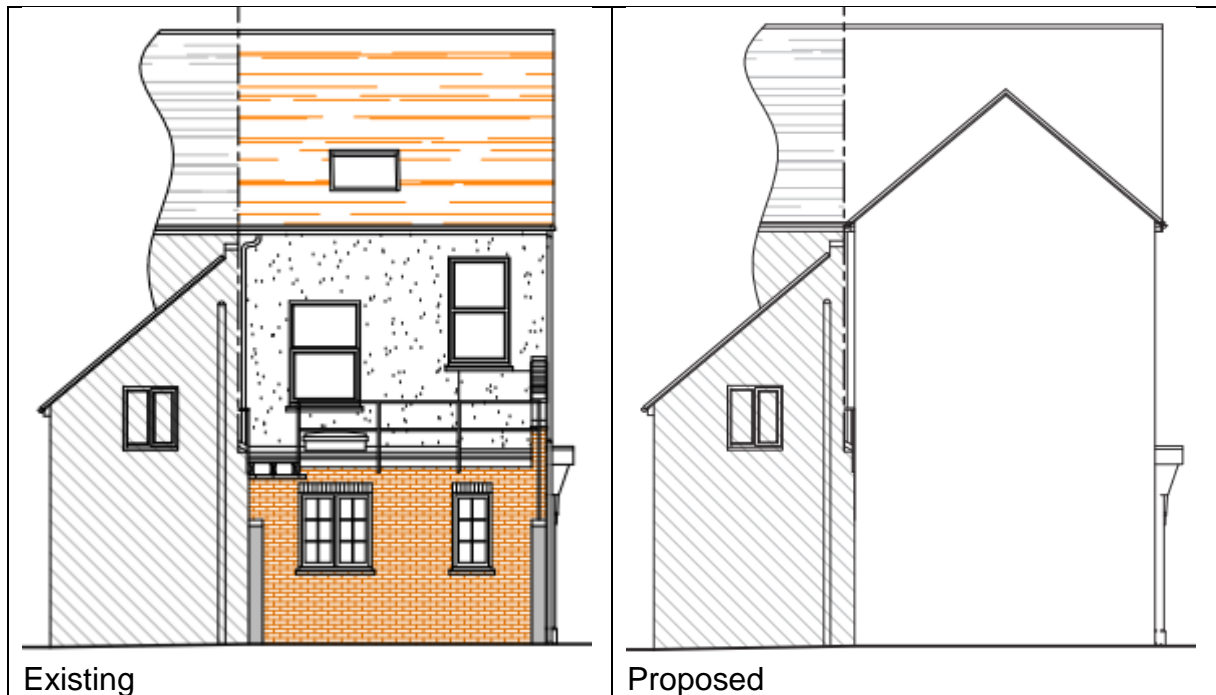


Image 7: Existing and proposed sections of south (rear) elevation

- 7.8 For the store building, it is proposed to create new openings at ground and first floor, in the elevation facing Broomfield Road, together with the installation of roof lights, as can be seen in image 2, above.
- 7.9 The extension would be sympathetic to the overall form of the main building and would not be dominant in either the street scene or in the context of the building itself. The proposed alterations to the store building would be reflective of the character of the structure and the existing openings, maintaining a commercial aesthetic that is considered likely to be successful within the street scene and in the context of the building.
- 7.10 Full details of materials and architectural features can reasonably be secured by condition, should permission be granted, and the proposal is considered acceptable with regard to Places and Policies Local Plan policy HB1.

c) Amenity

- 7.11 Places and Policies Local Plan 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 for future occupants and is also relevant.

Existing occupants

- 7.12 Any noise and disturbance associated with the proposed residential units will be of a domestic nature and therefore compatible with the surrounding uses in respect of timings and volume. The intensification of the use of the site in a relatively dense, urban

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environment, that is close to a busy main road and shopping area is not considered likely to result in any detrimental impact from additional noise and disturbance, especially considering that the existing retail store would be in receipt of deliveries that would generate their own noise and disturbance. Paragraph 187 of the National Planning Policy Framework sets out that planning decisions should ensure that new development can be integrated effectively with existing businesses, with these not having unreasonable restrictions placed on them because of development permitted after they were established. Residential and commercial uses co-exist in this area already and it is considered that there would be no unreasonable restrictions likely to arise for existing businesses because of the proposal.

- 7.13 The proposed first floor extension would abut an existing two storey extension, so there would be no additional detrimental overshadowing or overbearing presence for neighbouring properties. All new windows and openings in the Bloomfield Road and Cheriton High Street elevations face the public realm and would not cause any overlooking or loss of privacy. The roof lights proposed in the roof slope of the store building would be high level for light only and would not afford views over neighbouring amenity areas. All windows in the elevation facing west, toward the rear areas of 77 Cheriton High Street are existing but can reasonably be secured via condition to be of fixed opening with obscure glazing, prior to first occupation, in order to ensure no loss of privacy for neighbouring uses.

Proposed occupants

- 7.14 The space standard must be applied to the creation of new dwellings via conversion. In this respect, the proposed dwellings are between 46.5 and 47sqm GIA, which would exceed the 39sqm GIA required by policy for 1 storey 1 bedroom, 1 person dwellings. All habitable rooms would have a window, and it is considered that the outlook and level of natural daylight is acceptable.
- 7.15 There is no external amenity space proposed for these dwellings in the form of either communal garden or balconies and the small rooftop garden area will be lost as part of the proposal. The surrounding development does not have balconies and the creation of these would appear incongruous within the street scene, with little benefit to be garnered from their provision in such densely developed location. Cheriton recreation ground is under 200 metres walk from the property.
- 7.16 Whilst the thrust of the policy is to improve the quality of new homes in the district, the existing situation is noted alongside the prevalent form of development in this tight-knit urban environment. The units are single bedroom and are not for family occupation, with access to public open space in the near locality, and it is considered acceptable that there are no external amenity spaces for the proposed units.
- 7.17 Overall, the proposal would comply with the requirements of Places and Policies Local Plan policies HB1 and HB3.

d) Highways

- 7.18 Policies T2 and T5 of the Places and Policies Local Plan, are applicable. Policy T2 of refers to the adopted parking standards, which set out that 1 parking space per 1 or 2 bed flat should be provided. However, the application site is within the Cheriton District Centre and the nature of the guidance here is maximum. The flats would be within walking distance of shops and services with good access to public transport (bus

stops). It is considered that the sustainable location would allow a zero-parking approach to be pursued and the proposal is in accordance with Places and Policies Local Plan policy T2.

- 7.19 Policy T5 refers to cycle parking and requires one space per bedroom on individual residential developments. Because of the constrained site area, it is not possible to make provision for a full complement of secure bicycle storage as well as the requisite amount of bin storage to serve the development.
- 7.20 In this regard, four spaces are to be provided, and as the site is near to local services with good footway links to public transport, Officers recommend that it would be preferable to have a secure, off-street area for bin storage to serve the development, with the contribution toward housing figures and the very sustainable location of the development site considered to outweigh the harm arising from a shortfall of two cycle parking spaces.

e) Other issues

- 7.21 Consultation with the waste service team has highlighted that the development would need to be served by one 1100 litre 'eurobin', 4 x 340 litre wheelie bins for mixed refuse and paper/card, and a 140 litre food waste wheelie bin. Without the requisite level of storage, residential amenity of the area would be likely to suffer, with possible obstruction of footways, odour, vermin etc. Storage for bins associated with the proposed development has been shown on the approved plans and can be secured via condition.

Environmental Impact Assessment

- 7.22 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.

Local Finance Considerations

- 7.23 Section 70(2) of the Town and 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 a local finance consideration 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.
- 7.24 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This proposal is CIL liable.

Human Rights

- 7.25 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with

domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

7.26 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.

Working with the applicant

7.27 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

8. CONCLUSION

8.1 The proposal would result in the creation of six units of residential accommodation, which would make a modest contribution toward housing figures, in a sustainable location that would also serve to contribute toward the vitality and viability of the Cheriton District Centre, in line with policy requirements. The standard of amenity for future occupants would be acceptable despite the lack of external amenity space, given the likely tenure and location near to public spaces, and it is unlikely that the residential amenity of future occupants would be compromised by the operation of existing commercial uses. There would be provision for refuse/recycling, and four spaces for secure cycle storage. Although there is no off-street parking provided, the site is in a sustainable location. The alterations and extensions proposed would have no detrimental impact to the visual character of the building or the street scene.

8.2 Overall, it is considered that the proposal would result in a sustainable development, with the benefits considered to outweigh the identified shortfalls against adopted policy and is recommended for approval.

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission is approved subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

Drawing 2021/04/08E Proposed Block Plan
Drawing 2021/04/09E Proposed Ground Floor Plan
Drawing 2021/04/10D Proposed First Floor Plan
Drawing 2021/04/11B Proposed Second Floor Plan
Drawing 2021/04/13C Proposed Elevations sheet 1 of 2
Drawing 2021/04/14 Proposed Elevations sheet 2 of 2

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.

3. Prior to first occupation, details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day shall have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

4. Prior to construction of any external surfaces, details of the external finishing materials to be used on the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

5. Prior to construction of any external surfaces, the relevant details set out below shall have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

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- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- (c) prior to installation - details of vents, louvres, extractor vents, external pipes, meters etc.

Reason: Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

- 6. Before the development hereby permitted is first used, the ground and first floor windows in the western elevation shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason:

To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 7. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours

Saturdays 0730 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason:

In the interests of residential amenity.

- 8. Prior to first occupation, the existing vehicle accesses on Broomfield Road shall be removed, together with the re-instatement to footway with full height kerbing in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

- 9. Prior to first occupation, the cycle storage and refuse / recycling storage area shown on the approved plans shall be made available and thereafter retained in connection with the approved residential uses.

Reason:

In the interests of residential and visual amenity.