

**Application No:** 23/1001/FH

**Location of Site:** Block E, Hurricane Way, Hawkinge, Folkestone, CT18 7SS

**Development:** Change of use and alterations to 8 no. apartments.

**Applicant:** Pentland Properties Ltd

**Agent:** Mrs Tracey Dixon

**Officer Contact:** Robert Allan

## **SUMMARY**

The report considers whether planning permission should be granted for the change of use and conversion of a commercial building into eight residential dwellings. While the Town Council has objected to the scheme on the grounds that they consider there to be a need for commercial units in the village, they have not provided any evidence to support that assertion and the application contains details of an extensive marketing exercise which is considered to demonstrate that there is no demand for the permitted use. The dwellings would be in a sustainable location, with no detrimental impacts identified in relation to visual impact, residential amenity, highways or ecology, and the proposal is considered acceptable in accordance with adopted policy.

## **RECOMMENDATION:**

**That planning permission be granted subject to the conditions set out at the end of the report and any others that the Chief Planning Officer deems to be necessary.**

## 1. INTRODUCTION

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

## 2. SITE AND SURROUNDINGS

2.1. The application site is within the defined settlement boundary of Hawkinge, within the Kent Downs Area of Outstanding Natural Beauty (AONB) and North Downs Special Landscape Area (SLA). This application relates to existing buildings and public realm at Terlingham Forum, a commercial development accessed from Hurricane Way to the east.

2.2. The site is positioned to the south-west of the Lidl store, east of an area of public open space and north of the Hawkinge House Nursing Home, with residential properties on Juniper Way and the commercial/residential uses in Defiant Close, both laying to the east. The application site forms part of a wider development of five detached buildings, all of which were constructed as office/light industrial units. Blocks A, B and C have been converted to 23 residential units (12 no. 1 and 2-bed flats in Block A, 7 no. 1 and 2-bed flats in Block B and 4 no. 2-bed flats in Block C) together with associated parking and amenity space, and access from Hurricane Way, under planning application reference 20/0657/FH.

2.3. Blocks D and E remain as constructed and the application property is a two-storey, flat-roofed structure, finished with a cladding system, with car-parking provided around the building. Images 1 – 4 below, show the application site in context and are taken from the submitted Planning Statement.



Image 1: site location and application area



*Block E rear elevation*



*Block E front elevation*

*Block D*

*Block A*

*Block A*



Image 2: Elevations of block E



*Block E looking from Hurricane Way in context with neighbouring blocks D & A*



*Block E looking along Spindle Close in context with residential blocks C and B*

Image 3: Block E from Hurricane Way and Spindle Close



*View looking to site from Hurricane Way*

Image 4: Block E from Hurricane way

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

### 3. PROPOSAL

# DCL/23/15

- 3.1 This application seeks planning permission for the change of use of an office building to residential (Use Class C3) and alterations to the building to provide eight apartments, comprising four one-bedroom apartments on the ground floor and four two-bedroom apartments on the first floor. There are no proposed changes to the overall positioning, scale, form and mass of the building which will remain as existing, but it is proposed to include alterations to the external appearance of the building comprising changes to materials and window/door positions in order to facilitate the proposed residential development.
- 3.2 Internally the building would be subdivided through the insertion of partition walls to create contemporary open plan living/dining/kitchen spaces, with twelve car parking spaces provided adjacent to the building, and a new shared garden area. New planting is proposed around the building in order to improve the outlook for future residents, with new specimen tree planting proposed within the car park.
- 3.3 The proposed layout can be seen in image 5 below, with bin and bicycle storage, the communal garden area and the proposed parking spaces.

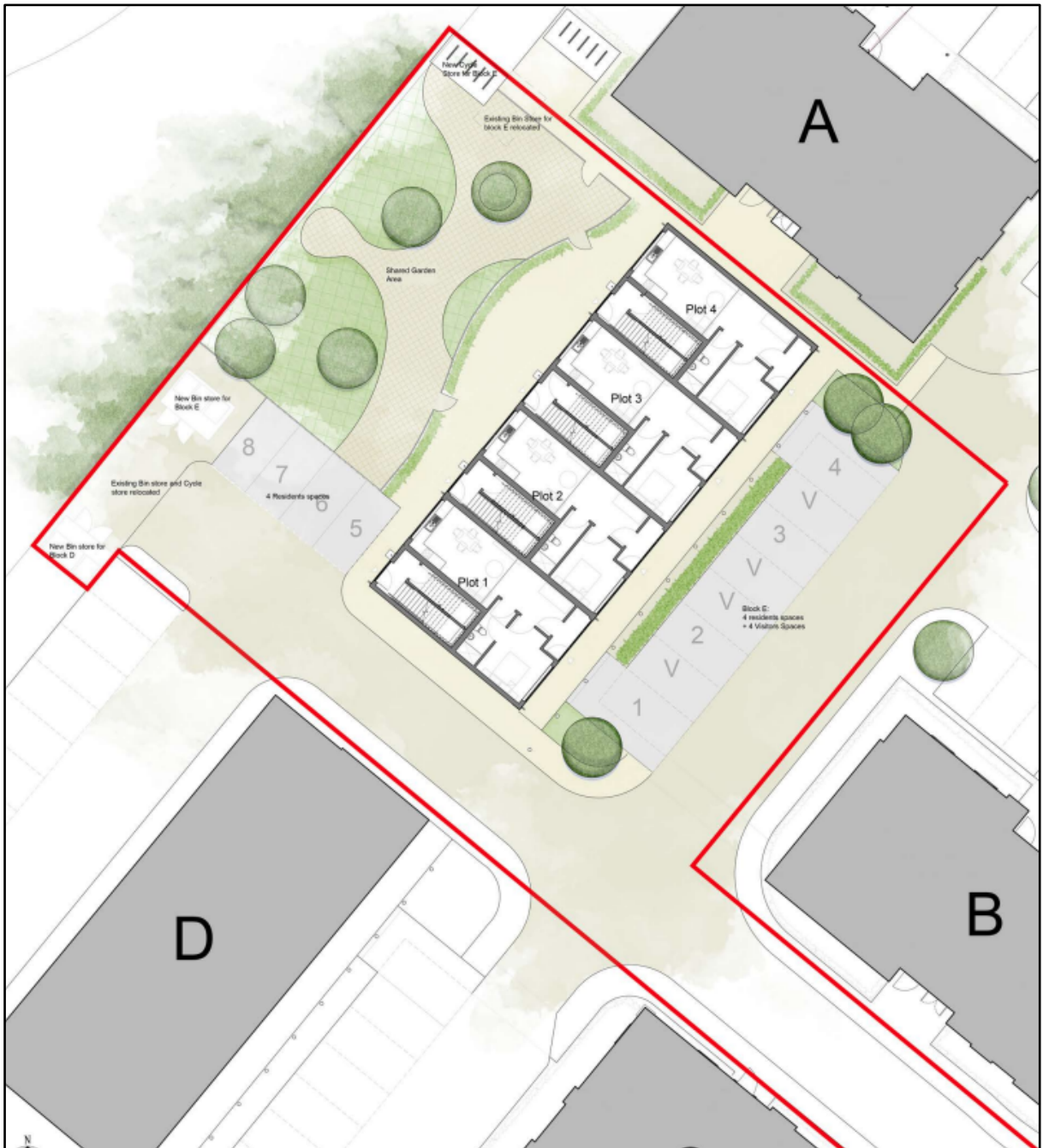


Image 5: Proposed site layout

- 3.4 Externally, the roller shutter doors on the ground floor front elevation are proposed to be replaced with full height windows, but with the bottom panel as aluminium. Two opening casements would provide ventilation for the kitchen area as shown on the proposed plans. On the rear elevation, the full height glazing and double doors are to be replaced with a single door and casement window. Elevations are shown in images 6 and 7, below.

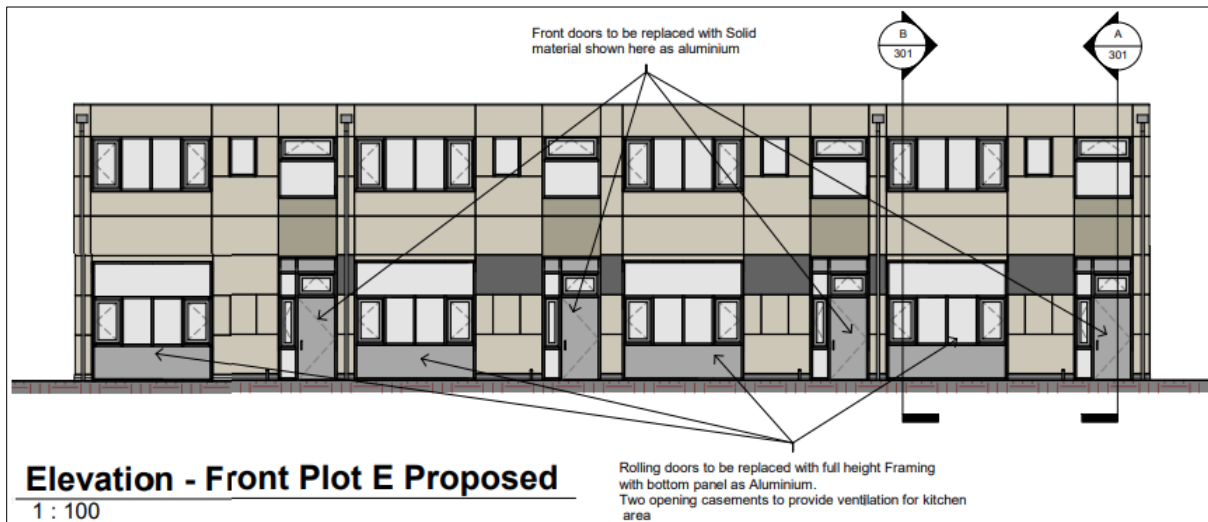


Image 6: Front elevation plot E

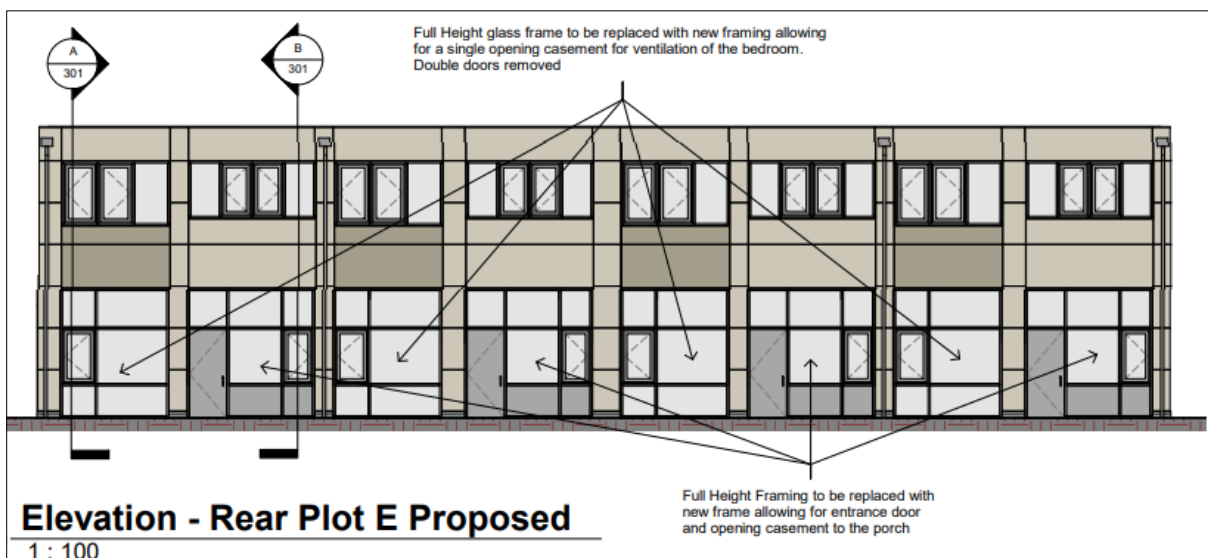


Image 7: Rear elevation plot E

- 3.5 The ground floor flats would be single bedroom units with gross internal areas (GIA) of between 49.6 and 50.8 square meters. The first-floor units would be two-bedroom units, with a GIA of between 65.2 and 66.1 square metres.
- 3.6 As well as the relevant drawings, the application is supported by the following documents:

Planning, Design and Access Statement

- 3.7 This document describes the site, sets out the planning history and development proposal, sets out the relevant development plan policies and justifies the proposal, concluding that the principle of development is acceptable given the evidence within the marketing report, that no affordable housing contribution is required, that the development is sustainable, the appearance will be acceptable in the context of the existing setting, with a neutral impact on the existing character and appearance of the area and its wider setting within the AONB, there would be a high standard of amenity for existing and future users, with no highway issues.

Marketing Summary Report

- 3.8 This document describes the property, its location, and its planning history, before setting out the marketing history of the wider site and the application property, concluding that having been marketed since 2018, with initial interest between 2019 and 2020, ongoing and subsequent feedback is that the property is poorly located, with a supply of better located commercial property within nearby settlements better suited to potential occupiers, which has resulted in little demonstrated demand for the property in its current use.

## Transport Assessment

- 3.9 This document summarises the existing conditions local to the site, sets out the development proposals, provides an assessment of transport policy, assesses the forecast trip generation and impacts, and concludes that the site has good access to local services, which are also located within walking distance, as well as being near to public transport links, with a net reduction in vehicle movements relative to the current use, so that there would be no detrimental impacts upon the local highway network.

## **4. RELEVANT PLANNING HISTORY**

- 4.1 The relevant planning history for the site is as follows:

Y10/0738/SH	Outline application for a mixed-use development comprising 5800 square metres of business units (Class B1/B8), 3, two storey office buildings (Class B1) totalling 5960 square metres of accommodation, and a retirement village (Class C2) providing 69 cottages, 52 apartments and associated administration and facilities building, together with access and indicative landscaping with all other matters reserved for future consideration.	Approved with conditions
Y15/1035/SH	Mixed use development comprising 2366sqm of commercial space (Class B1/B8) in five blocks, together with erection of 47 dwellings, with associated car parking, external works and landscaping (alternative to planning permission Y10/0738/SH).	Approved with conditions
Y19/0545/FH	Change of use from business (Class B1) to retail (Class A1) for Unit E4 Terlingham Business Park.	Refused
20/0657/FH	Change of use of use and conversion of office blocks A, B and C to 23 residential units and	Approved



associated works, together with public realm improvements at Terlingham Forum

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**Hawkinge Town Council:** Object - would lead to a lack of employment opportunities, and retail and service provision, for the town. The developer should offer more flexible terms, with encouragement of businesses that do not rely upon passing trade.

**KCC Highways & Transportation:** No comment - outside of consultation protocol.

**KCC Ecological Advice Service:** No ecological information is required as part of this application. Conditions requested for landscaping and lighting.

**KCC Archaeology:** No comments received.

**Kent Downs AONB Unit:** No comments received.

**Environment Agency:** No comment – outside of consultation remit.

**Southern Water:** No objection

### Local Residents Comments

5.2 No representations received.

5.3 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.

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
E2	Existing Employment Sites

NE2	Biodiversity
NE3	Protecting the District's Landscapes and Countryside
NE5	Light Pollution and External Illumination
T2	Parking Standards
T5	Cycle Parking
CC2	Sustainable Design and Construction

## Core Strategy Review 2022

SS1	District Spatial Strategy
SS3	Place-Shaping and Sustainable Settlements Strategy
SS4	Priority Centres of Activity Strategy
CSD1	Balanced Neighbourhoods
CSD4	Green Infrastructure of Natural Networks, Open Spaces and Recreation

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
60	Delivering a sufficient supply of homes
130	Achieving well-designed places
187	Effective integration

## **7. APPRAISAL**

7.1 The report will set out the background for the site with the main issues for consideration following this, considered to be:

- a) Principle of development
- b) Visual impact and design
- c) Residential amenity
- d) Ecology
- e) Highways

- f) Affordable Housing
- g) CIL and S106

## **a) Principle**

- 7.2 The Settlement Hierarchy, set out within the Core Strategy, provides a framework to concentrate development in selected locations to maximise efficient use of existing infrastructure and support business and community facilities. The application site is within the defined settlement boundary of Hawkinge, a service centre within the North Downs area that has been designated to accommodate development appropriate to the district and the centre's own needs, in order to grow and consolidate its position as a centre serving the local hinterland with shops, employment and public services. To this end the principle of development is considered acceptable, subject to all other material planning considerations.
- 7.3 The loss of commercial units is resisted by policy SS4 of the Core Strategy Review and policy E2 of the Places and Policies Local Plan unless it can be demonstrated that they are not viable or not required. There are no records of the property ever having been occupied. In this respect, the applicant has submitted a Marketing Summary Report which sets out the advertising of the unit since 2018, spanning a period significantly greater than the 12 months that is required by policy E2. The report acknowledges the changes in the market since the property was constructed, including the effect of Covid-19 and other challenging economic and market conditions which persist to the present day. One offer in 2019 is recorded but was not able to secure planning permission for the required change of use (Y19/0545/FH) as there was no demonstration of the lack of need for the unit, contrary to adopted policy.
- 7.4 The Local Planning Authority has no reason to doubt the findings of the report, which has been prepared by reputable local chartered surveyors and estate agents, with no evidence to dispute the conclusions drawn. The Town Council's objection is noted, but the applicant has fulfilled the requirements of adopted policy. In this regard, the loss of the site for employment purposes is considered acceptable.

## **b) Visual impact and design**

- 7.5 The proposed external changes to the existing office buildings are considered very minor, involving alterations to the fenestration to allow for the residential uses proposed, with materials to match the existing structure. There would be no extensions or additions to the property, with the existing rear area proposed to be a mix of parking and a landscaped communal amenity space, where it is currently hard standing, resulting in a reduced area of hardstanding relative to the existing and a softened appearance relative to the existing car parking area.
- 7.6 Details of the proposed bin stores can be secured via condition, with their location considered to be acceptable with regard to the wider street scene, being to the rear of the buildings.
- 7.7 Overall, the proposal would result in space originally intended to be hard surfaced, being landscaped, with minor alterations to the existing property. As such there would

be no detrimental impact upon the visual character of the street scene and the landscape and scenic beauty of the AONB and SLA would be preserved.

## **c) Residential amenity**

### *Proposed*

- 7.8 The proposed first floor flats all exceed the gross internal area (GIA) required by adopted policy HB3, with an acceptable level of natural light available to all habitable rooms. Two of the ground floor units exceed the adopted standards, but two are just beneath the required 50 square metres, at 49.6 and 49.8 square metres. All four have an acceptable level of natural light available to all habitable rooms.
- 7.9 Although there is a slight deficit in terms of GIA, it is considered that this is minor and would have no significant impact upon the residential amenity of future occupiers. The lack of balconies is noted, but policy HB3 does set out that for conversions, a communal garden for the exclusive use of the residents of a group of flats may be acceptable in place of individual balconies or terraces. It is also noted that the extensive public open space of Terlingham Village Green is a short distance away also and it is considered that all the proposed units will enjoy an acceptable standard of amenity with regard to internal and external space.

### *Existing*

- 7.10 Planning application 20/0657/FH (as amended by 22/0124/FH) granted planning permission for the change of use of blocks A, B and C from office use to residential. These blocks sit to the northeast and south west of the application property, as shown below in image 8.



Image 8: Location of blocks A – E, inclusive, within red line area of 20/0657/FH.

- 7.11 The buildings are existing, and the impact of Block E was considered acceptable with regard to any overshadowing or overbearing presence upon the future occupiers of Block A as part of the consideration of 20/0675/FH, which is still considered to be the case. There are no new openings proposed in the northeastern elevation of Block E, so there would be no direct interlooking and loss of privacy. Views from the windows of the flats in Block E toward Block A would be at an acute angle and therefore unlikely to result in any loss of privacy. It must also be acknowledged that the existing units within Block E have windows at both ground and first floor level, so there would little change in circumstance in this regard.
- 7.12 In respect of noise and disturbance, it is considered that the proposed residential use would be compatible with the surrounding permitted residential uses, with the comings and goings associated with a residential use also considered compatible with the surrounding uses. 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. In this regard, the permitted commercial uses (Class B1, now Class E) are unlikely to be generators of noise and disturbance that would result in the receipt of complaints. Overall, it is considered that the proposal would result in an acceptable standard of amenity for existing and future occupiers in accordance with Places and Policies Local Plan policies HB1 and HB3.

#### d) Ecology

- 7.13 The conversion of the property to flats would not give rise to any additional concerns over and above those associated with the development as existing. The landscaping within the proposed communal amenity space could result in an ecological gain for the wider site with use of appropriate plant species and in this regard it is considered reasonable to secure such details via condition.
- 7.14 KCC Ecological Advice Service have also requested details of any lighting scheme to be provided, in order to ensure no detrimental impact to bats, which can also be secured via condition. Overall, it is considered that there are no detrimental ecological impacts that would arise from the proposal, subject to appropriately worded conditions.

## **e) Highways**

- 7.15 The parking provision of twelve spaces – eight allocated and four visitor spaces – exceeds adopted guidance within policy T2. The provision of these can be secured via condition. The proposal indicates ten cycle parking spaces within the development, where there should be twelve (one per bedroom) in order to comply with policy T5. However, it is considered that final details of the cycle parking spaces and the shelter can reasonably be secured via condition to achieve policy compliant levels.
- 7.16 As the access ways are existing, with each unit having its own parking areas, it is considered unlikely that there would be any detrimental impact arising from highway conflict for neighbouring commercial properties.

## **f) Affordable housing**

- 7.17 Core Strategy Review policy CSD1 sets out that development proposing 6 to 10 dwellings within the Kent Downs Area of Outstanding Natural Beauty should provide financial contributions towards the provision of affordable housing equivalent to one affordable dwelling on-site.
- 7.18 However, under national policy, where a vacant building is brought back into any lawful use, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. This development provides no additional floor space and there is therefore no requirement for it to provide a proportion of the units as affordable housing, as stipulated by NPPF footnote 30.
- 7.19 In relation to other developer contributions, national guidance in the form of Written Statement made by The Minister of State for Housing and Planning (Brandon Lewis) on 28 Nov 2014, set out that tariff-style contributions should not be sought on developments of 10 units or fewer. Consequently, no other financial contributions are sought.

## **Environmental Impact Assessment**

- 7.20 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**

7.21 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.

7.22 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**

7.23 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**

7.24 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**

7.25 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 change of use and conversion of a commercial building into eight residential dwellings, following an extensive marketing period which demonstrated that there is no existing demand for the permitted use. The dwellings

would be in a sustainable location, with no detrimental impacts identified in relation to visual impact, residential amenity, highways or ecology.

- 8.2 Overall, it is considered that the proposal would result in a sustainable development, in line with 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 granted 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. No development shall take place other than in complete accordance with drawings:

2277-3B-REV P4-Proposed Site Showing Indicative Works  
22773B-013-REV P4 Proposed Site Plan Showing Indicative External Works  
22773B\_302\_REV P3 Proposed Elevations Block E  
22773B\_301 RevP4 Proposed Layout - Block E  
22773B\_401\_P1 Proposed South Streetview

Reason: For the avoidance of doubt.

3. Prior to first occupation of the flats hereby permitted 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, prior to first occupation.

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

4. The materials to be used on the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

5. The amenity space shown on the approved plans shall be provided prior to first occupation, or in accordance with a timetable to be first agreed with the local



# DCL/23/15

planning authority and retained in perpetuity for use by the residents of all the flats.

Reason: In the interests of residential amenity.

6. Prior to first occupation of any of the units hereby permitted, full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

8. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

9. Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per dwelling shall be provided, in accordance with specifications and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

10. The car parking spaces shown on the submitted drawings shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

# DCL/23/15

11. Prior to first occupation of the dwellings hereby permitted, details of secure, covered cycle parking, at a ratio of one space per bedroom shall be submitted to and approved in writing by the Local Planning Authority, with such details as approved, provided in full prior to first occupation, and thereafter retained.

Reason: In the interest of encouraging sustainable and healthy modes of transport.

12. Prior to first occupation of the dwellings hereby permitted, details of the bin stores to serve the development shall be submitted to and approved in writing by the Local Planning Authority, with such details as approved, provided in full prior to first occupation, and thereafter retained.

Reason: In the interests of visual and residential amenity.

13. Prior to the first occupation of any dwelling hereby permitted, an FTTP Statement for the development shall have been submitted to and approved by the local planning authority in writing, for the installation of a high speed wholly FTTP connection to each dwelling within the development, unless otherwise agreed in writing by the local planning authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and where relevant, details of alternative provision for superfast broadband in the absence of FTTP).

The FTTP infrastructure or alternative provision for superfast broadband in the absence of FTTP shall be available for use on the first occupation of each dwelling hereby approved.

Reason: To ensure that the new development is provided with high quality broadband services.

## Appendix 1 – Site Location Plan