

Application Number:	24/0101/FH
Location	126 Dover Road, Folkestone, CT20 1NN
Application Description	Change of use from flats (Class C3) into an HMO (Sui Generis).
Applicant	Mr Martin Boyle
Agent	Mr Andy Bateman
Officer Contact:	Robert Allan

Recommendation

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. Reason for consideration by the Committee

1.1. The application is reported to Committee due to the objection raised by Folkestone Town Council.

2. Site and Surroundings

2.1 The application site contains a four-storey end of terrace property of Edwardian / Victorian era. The property is currently arranged as a lower ground floor flat with one bedroom, an upper ground floor flat with one bedroom, and a first and second floor maisonette with two bedrooms. There is a small courtyard garden to the rear, accessible by the upper ground floor flat, and two off-street parking spaces accessed from Martello Road. The front garden area is given over to hard standing, with bins stored in this area.

2.2 Images of the site can be seen in figures 1, 2 and 3.



Figure 1: Street elevation from Dover Road



Figure 2: Side elevation facing toward Martello Road



Figure 3: Rear elevation and parking area from Martello Road

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

3. Proposal

- 3.1. Use Class C4 covers small, shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Houses in multiple occupation with more than six residents become a 'sui generis' use and therefore planning permission is required for the proposed change to the upper floors.
- 3.2. This application seeks planning permission to convert the upper ground, first and second floors into a four-bedroom, seven person HMO. The lower ground floor flat would remain self-contained, with the rear parking spaces serving the development and a cycle and bin storage area created. No external physical changes to the building are detailed within the proposal.
- 3.3. The following report was submitted by the applicant in support of the proposal:

Planning Statement

This document sets out the background to the planning application, describing the site and the proposed development, stating that space standards and building regulations would be met, identifying the car parking that would be available, the cycle parking that would be provided and the public transport links and the location of nearby amenities. It also identifies that the existing refuse storage and collection arrangements would be utilised.

4. Relevant Planning History

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

Y08/0435/SH	Change of use and conversion of existing dwelling to form 3 self-contained units	Approved with conditions
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5. Consultation

Ward Members: Councillor Bridget Chapman and Councillor Nicola Keen are the ward members for Folkestone Harbour Ward. Councillor Nicola Keen is a member of the Planning & Licensing Committee.

- 5.1 The key consultation responses are summarised below.

Consultees

Folkestone Town Council: Object. Intensification will lead to anti-social behaviour; no provision for changes to parking or refuse collection.

KCC Highways & Transportation: Outside of consultation protocol.

Environmental Health: Concerns regarding refuse bin provision.

Private Sector Housing: Room sizes suitable, adequate kitchen and bathroom facilities, communal lounge adequate. Escape windows required for self-contained flat and upper ground floor room five.

Public/Neighbour Consultation

5.2 9 neighbours directly consulted. 2 letters of objection, 0 letters of support received and 0 letters neither supporting nor objecting to the application.

5.3 I have read all the correspondence received. The key issues are summarised below:

Objections

- Too many people
- Street full of cars
- Rubbish issue
- Over intensification of use
- Sub-standard living conditions
- No mix in accommodation – less family provision
- Only provision for two cars
- Current bin storage provision is inadequate – proposal will lead to refuse on street
- Proposal contrary to HB3

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

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

6. Planning Policy

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

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

- HB1 Quality Places Through Design
- HB3 Internal & External Space Standards
- HB13 Houses in Multiple Occupation (HMOs)

- T2 Parking Standards
- T5 Cycle Parking

Core Strategy Local Plan (2013)

- SS1 District Spatial Strategy
- SS3 Place-Shaping & Sustainable Settlements Strategy

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

Government Advice

National Planning Policy Framework (NPPF) 2023

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 are relevant to this application:-

Paragraph:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47 Applications determined in accordance with the development plan
- 131 Achieving well-designed and beautiful places
- 135 Achieving well-designed and beautiful places

National Planning Policy Guidance (NPPG)

7. Appraisal

7.1 In light of the above the main issues for consideration are:

- a) Is the Principle of development acceptable?
- b) Is the visual impact of the development acceptable?
- c) Would the proposal harm residential amenity?
- d) Would the proposals result in harm to Highway safety?

a) Is the principle of development acceptable?

- 7.2 The site is within the defined settlement boundary of Folkestone and in a sustainable location within walking distance of shops and services. This accords with the principles of Core Strategy Review policies SS1 and SS3, which direct development toward existing sustainable settlements with opportunity for increased densities. The broad principle of the proposed development is acceptable subject to all other material planning considerations.
- 7.3 Policy HB13 covers houses in multiple occupation and seeks to ensure that proposals for HMOs will only be permitted where they would not result in an unacceptably harmful impact upon:
1. Residential amenity, caused by increased noise and disturbance;
 2. The character or appearance of the street scene or neighbourhood;
 3. The character or appearance of the building, including from inappropriate or insufficient arrangements for storage, including for refuse and bicycles; and
 4. Highway safety, caused by insufficient on-site parking provision thereby resulting in an unacceptable increase in on-street parking.

These issues will be addressed in subsequent sections.

b) Is the visual impact of the development acceptable ?

- 7.4 There are no physical external alterations proposed to the structure of the property. However, the proposal would result in an uplift in the number of residents and households within the building, which could place additional demands upon the existing bin store area, a hard standing area to the front of the building. Initial concerns have been raised regarding the potential harm this may have, particularly in terms of an increase in the number of refuse bins stored to the front of the building, on the visual amenities of the property and wider street scene.
- 7.5 In this regard, the applicant has amended the proposal during its consideration to include a rear storage area for the additional refuse storage requirement associated with the development, which would meet the needs of the proposal, but which would not result in a proliferation of bins on the property frontage. Consequently, with this secured by condition, it is considered that there would be no detriment of the character or appearance of the street scene, in accordance with Places and Policies Local Plan policies HB1 and HB13.

c) Would the proposal harm residential amenity?

Existing Residential Occupiers

- 7.6 The application proposes to retain the lower ground floor flat and in general terms, , regarding the nature and general timings of associated noise, the additional residential uses are considered compatible. The intensification of the use is acknowledged but again, this is unlikely to have a significant impact upon the existing occupants, either within the existing building or the surrounding area. A condition can reasonably be imposed on any grant of planning permission, limiting the number of persons residing at the premises.
- 7.7 The increase in demand for bin storage associated with the uplift in resident and household numbers is proposed to be addressed with the provision of a separate area to the rear of the property with a 660-litre bin. This would safeguard the amenities of existing occupiers through removing the potential for issues associated with odour, impact upon outlook or obstruction of access and egress.
- 7.8 Cycle provision is proposed to be in the existing courtyard area, which is stated to be for the use of the lower ground floor flat. This would reduce the amenity space available to this dwelling but the space that would remain would exceed adopted standards within policy HB3 for a flat and is considered acceptable. A separate access for this amenity area is shown on the amended plans which would safeguard the privacy of the lower ground floor flat.
- 7.9 Overall, there would be no significant detrimental impact on the amenity of existing residential occupiers in accordance with Places and Policies Local Plan policy HB1 or National Planning Policy Framework paragraph 135.

Future Occupiers

- 7.10 The space standard referred to in policy HB3 is only applicable to the creation of new dwellings. Consequently, it cannot be applied here. Private Sector Housing has stated that the proposal may not meet the requirements for a license to be issued, should planning permission be granted. However, the licensing of HMOs is controlled via separate legislation and would not be part of the consideration of this proposal.
- 7.11 Concerns have been raised regarding alleged anti-social behaviour taking place at the property. This is noted, but the control of current activities of future occupants is outside of the scope of the planning system and is dealt with by separate legislation and by separate bodies, with the current application considered not to affect these issues, as there is nothing inherent in the use of HMOs that lends them to antisocial behaviour.

d) Would the proposal result in harm to Highway Safety?

- 7.12 Two existing parking spaces are proposed to be retained in association with the development. The site is considered edge of centre, with maximum parking standards of one space per unit, although it is noted that the adopted standards are silent on HMO provision. The controls on Dover Road (double yellow lines) would preclude parking there, with permit only parking in the remaining areas.
- 7.13 Whilst the apparent lack of parking to serve the development is acknowledged, and representations regarding this are also noted, the proposal would fall within the scope of adopted policy. The site is located within walking distance of shops and services with good access to public transport (bus stops) and pedestrian footways. Any increased demand for parking would be mitigated by the sustainable location and regulated via the controlled parking (permits) and double-yellow lines. Consequently, there would be no significant 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 Places and Policies Local Plan.
- 7.14 A cycle storage area is proposed on the submitted plans that would provide a secure storage space to serve the proposal, although full detail of this has not been provided. However, this could be secured via condition and the proposal would accord with policy T5 of the Places and Policies Local Plan.

e) Other considerations

- 7.15 Concern has been raised regarding the housing mix of the proposal, specifically that there is insufficient provision for family accommodation. The Spatial Strategy and Core Strategy Review policy CSD2 require a mix of housing sizes to be provided via strategic allocations, which have been planned for within the plan period to 2037. In this regard, there is no conflict with adopted policy.

Environmental Impact Assessment

- 7.16 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

- 7.17 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. There is no CIL requirement for this development.

Human Rights

- 7.18 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

- 7.19 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 regarding 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.
- 7.20 It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

- 7.21 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. In this instance the proposal was considered acceptable following the receipt of additional information from the applicant.

8. CONCLUSION

- 8.1. The proposal seeks planning permission to convert the upper ground, first and second floors into a four-bedroom, seven person HMO. The principle of development in this sustainable location is considered acceptable, with no

perceived detrimental impact upon visual amenity, the residential amenity of existing or proposed occupants, and the policy requirements associated with vehicle and cycle parking both considered to be met. 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. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 23/1798/FH.

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

That planning permission be refused/for the following reason(s):

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:

EMA-2023-144-03 Rev. 01 - Proposed Block Plan
EMA-2023-144-02 – Proposed Floor Plans and Elevations

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 the first use of the development hereby approved, details of four, independently accessible, secure, covered cycle parking spaces shall have been submitted to and approved in writing by the Local Planning Authority,

made available and thereafter retained in association with the approved development.

Reason: In the interest of encouraging alternative modes of transport to private motor vehicles and supporting healthy lifestyles.

4. The parking area shown on the submitted plan shall be kept available for residential parking purposes in association with the property known as 126 Dover Road 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.

Reason: In the interests of residential amenity, highway safety and convenience.

5. Prior to first use for the development hereby permitted, the bin storage area shown on the approved plan EMA-2023-144-03 Rev. 01 - Proposed Block Plan shall be constructed and made available in association with the approved development, and thereafter retained.

Reason: In the interests of residential amenity.

6. Prior to first use for the development hereby permitted, details of the boundary treatment to be provided between the bin and cycle storage area and the external amenity area of the lower ground floor flat shall be submitted to the Local Planning Authority for approval in writing, with the approved details implemented in full prior to first occupation of any of the permitted dwellings and thereafter be maintained in position in perpetuity.

Reason: In the interests of residential amenity.

7. The premises used as an HMO (House in Multiple Occupation) shall only be occupied by a maximum of seven persons.

Reason: In the interests of the amenities of the area.

