

OFFICERS REPORT

Application No: Y18/1418/FH

Location: Flat 4 10 Trinity Crescent Folkestone Kent CT20 2ET

Proposal Variation of condition 2 of application 83/1121/SH to allow permanent occupation of a ground floor flat following the amalgamation of two existing ground floor studio flats

ASSESSMENT

Performance data:-

Date application valid: 04.12.18

Applicable 8 week target date: 29.01.19

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA)? Yes

If Yes, revised 8 week target date: 21.03.19

Is the application being determined after 26 weeks without a PPA or a PEA? No

SITE VISIT

Carried out site visit on 21.12.18.

The site and proposals were assessed from the public highway and the following key features noted as set out in the report below.

SITE

The application site is located within the settlement boundary of Folkestone and the Folkestone Leas & Bayle Conservation Area. The application site, 10 Trinity Crescent, is located at the junction of Trinity Crescent with Sandgate Road. The main building of no.10 is an imposing 5 storey building which has been sub-divided into flats.

HISTORY

8 and 10 Trinity Crescent together have been operating as a holiday-let business under the name 'Meyrick Court'. Conversion of no.8 to self-contained apartments has been ongoing for some time following the grant of planning permission under reference Y14/1301/SH (Conversion from existing holiday flats to create five self-contained flats together with internal alterations, reinstatement of front door and reinstatement of internal staircase to facilitate conversion.) No.10 has been the subject of a certificate of lawful development (ref: Y15/0442/SH) for the use of a flat as unrestricted C3 use (residential) following a continuous period in excess of 10 years (therefore immune from enforcement) in breach of condition 2 of planning permission 83/1121/SH (time limit on occupation period). No.10 has also been the subject of permission Y15/1069/SH to allow full residential use of the basement flats.

Planning permission 83/1121/SH (Meyrick Court, Trinity Crescent, Folkestone, 'Conversion of hotel into 14 self-contained and 2 non self-contained self catering studio holiday apartments', Approved with conditions 5th December 1983) condition 2 reads: "No person or persons shall occupy any of the flats available for letting longer than a period of two months within any period of six months."

PROPOSAL

Variation of condition 2 of application 83/1121/SH to allow permanent occupation of a ground floor flat following the amalgamation of two existing ground floor studio flats to form the aforementioned flat. The proposal does not include any external works to the building. Internally, a single new door opening would be created to link the two existing studio flats and create the single new ground floor flat. The stated intention of the proposal is to create a resident owner/manager's flat to facilitate management of the remaining holiday let flats above.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Folkestone Town Council raise no objection.

REPRESENTATIONS

None received.

PUBLICITY

Neighbours notified by letter. Expiry date 30.12.18

Site notice displayed. Expiry date 10.01.19

Advertised in press. Expiry date 10.01.19

RELEVANT POLICIES

Shepway District Local Plan Review: SD1, HO1, BE1, BE4, TM2

Shepway Core Strategy Local Plan: DSD, SS1, CSD3, CSD6

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

Places and Policies Local Plan Submission Draft: HB1, HB3, E4

NPPG

NPPF

APPRAISAL

The main consideration in the determination of this application is the principle of the proposed variation of condition to allow the permanent residential (class C3) use of a single residential flat created through the amalgamation of two existing ground floor studio flats. The studio flats proposed for amalgamation are currently restricted in their occupation within C3 use by condition 2 of permission 83/1121/SH.

The application includes some headline figures provided by Capital Accountants in a letter dated 5th February 2019 and statements from Folkestone Hoteliers Association in an attempt to meet the exemption criteria listed in the policies below to the loss of tourism-related accommodation.

POLICY

Emerging policy E4 states that applications for the change of use or redevelopment of hotels, guest houses or self-catering units which would result in a loss of visitor accommodation will only be permitted where:

1. The standard and type of accommodation that is, or could be provided at reasonable cost, is unsuited to meet visitor demands; or
2. In the case of hotels and guest houses, the premises or site are poorly located in relation to the areas of main tourist activity or tourist routes, and uses in the immediate vicinity are predominantly unrelated to tourism or incompatible with the continued tourist use of the premises; and
3. In addition to the above, it has been demonstrated that the business has been marketed at a reasonable rate and for a period of 12 months.

Saved policy TM2 of the Shepway District Local Plan Review states that applications for the change of use or redevelopment of hotels/guest houses, self-catering units or caravan and camp sites, which would result in a loss of visitor accommodation will only be permitted where it can be shown that it is no longer practicable to use the premises as holiday accommodation by reason of one of the following criteria:-

1. The standard and type of accommodation that is, or could be provided at reasonable cost, is unsuited to meet visitor demands.
2. In the case of hotels and guest houses, the premises or site are poorly located in relation to the areas of main tourist activity or tourist routes, and uses in the immediate vicinity are predominantly unrelated to tourism or incompatible with continued tourist use of the premises.

In assessing the application against emerging policy E4 and saved policy TM2, the statement of Folkestone Hoteliers Association indicate that the current accommodation may not be suitable to meet visitor demands given their comments/observations regarding market trends, although it is noted that these observations are not specific to the application site, however no evidence has been provided that the visitor accommodation which would be lost under this proposal could not provide suitable visitor accommodation at a reasonable cost. As such, it is considered that the proposal fails to meet exemption criteria 1 of emerging policy E4 and saved policy TM2. Turning to exemption criteria 2 of emerging policy E4 and saved policy TM2, it is considered that the site is not poorly located in relation to the area of main tourist activity given its proximity and connections to The Leas and Folkestone Town Centre and tourist activity is present in the immediate vicinity. As such, it is considered that the proposal fails to meet exemption criteria 2 of emerging policy E4 and saved policy TM2. With regard to exemption criteria 3, no evidence has been provided that the tourism-related business has been marketed at a reasonable rate and for a period of 12 months to demonstrate that it is unviable. The Capital Accountants letter including in the application states that the business has declared an increase in profits in the year ending 30th June 2017 compared with the loss made in the corresponding year ending 30th June 2016 and the smaller profit made in 2015. This letter therefore does not support the case that the business is unviable and in light of the above, it is considered that the application fails to meet exemption criteria 3 of emerging policy E4. It may be possible that the increase in profitability is due to the Local Planning Authority allowing the conversion of the remaining units in no.8 Trinity Crescent to be converted to residential to assist in the costs for upgrading the facilities at no. 10 Trinity Crescent.

In light of the above, the proposal is considered to be contrary to emerging policy E4 of the Places & Policies Local Plan and saved policy TM2 of the Shepway District Local Plan Review. On this basis, the proposed loss of visitor accommodation has not been justified, is

considered to be contrary to policy and the principle of the proposal is considered to be unacceptable.

OTHER ISSUES

With regard to the space standards set out in emerging PPLP policy HB3, it is noted that the 1-bedroom flat which would be created under the proposal would exceed the relevant internal space standard of 50 sq m, with a floor area of approximately 72 sq m. It is noted that the flat would not have exclusive access to any outdoor amenity space, with emerging policy HB3 stating that a private usable balcony area with a minimum depth of 1.5m should be provided for flats, however this is considered to be acceptable in this case as the application site is in close proximity to the public open space of The Leas, and has access to a shared rear garden area. On this basis, it is considered that the level of amenity available to future occupiers of the proposed flat would be acceptable and that a variation to the external space standards can be accepted in this case given the character of the area.

Given that the proposal does not include any external alterations, it is considered that there would be no material or discernible net impacts on neighbouring amenity and that current arrangements for parking would be acceptable given the proposed changes would not give rise to any additional parking requirement and the site is considered to be a sustainable location, which benefits from good public transport connections. In addition, it is considered that the current bin storage and collection arrangements would be acceptable to meet the demands of the new 1-bedroom flat following the proposed amalgamation of two studio units.

RECOMMENDATION

In light of the above, it is considered that planning permission should be refused.

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.

Case Officer: Alex Kalorkoti

Report and draft decision notice completed and passed to senior officer.

Name: Alex Kalorkoti Position: Senior Planning Officer Date: 20.03.19

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: C Dethier Position: DM Team Leader Date: 16th April 2019

