

OFFICERS REPORT

Application No: Y16/0479/SH
Location: 119 Sandgate Road Folkestone Kent CT20 2BL
Proposal Change of use from retail (Class A1) to a mixed use of cafe/restaurant (Class A3) and retail (Class A1).

ASSESSMENT

Performance data:-

Date application valid: 20.05.16

Applicable 8 week target date: 15.07.16

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

If Yes, revised 8 week target date: 28.10.16

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

SITE VISIT

Carried out site visit on 10.06.16.

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 main building of the application site is three storeys with pitched roof. The building has set backs to the front elevation at 1st and 2nd floors and shop frontage at ground floor. To the rear of the property, there is a single storey element which extends the developed land to the extent of the site, between Sandgate Road at the front and Pleydell Gardens to the rear. The application property is a double height unit, with the ground floor and entrance at street level to Sandgate Road, stairs up to what has been termed the first floor that is at street level for Pleydell Gardens, and then stairs back to what has been named the second floor, a mezzanine-style arrangement, which is above the Sandgate Road ground floor. The application site is located within the defined settlement boundary and the Folkestone Leas & Bayle Conservation Area.

HISTORY

The most relevant planning history in relation to this application is listed below:

86/0728/SH - Approved for the installation of new shop front

86/0373/SH - Approved for alteration to shop front

CH/3/64/323 - Approved for new shop front/alterations

AT/CH/3/63/215 - Refused for illuminated projecting sign

PROPOSAL

This application seeks permission for change of use from retail (Class A1) to a mixed use of cafe/restaurant (Class A3) with retail (Class A1) floorspace retained. The application form states cafe/restaurant food retail/deli and training facilities. As discussed during the progression and assessment of the application, the training aspect is considered incidental to

the uses proposed, as some of the staff will be on apprenticeships and working at the establishment, with external accreditation/assessment from a separate body. The business is not the provider of the qualification and the premises are not an educational establishment. The applicant was also confused with regard to the serving of alcohol and eating tapas-style meals, thinking this may be a separate A4 use. Following discussions, it was established that there was not to be a separate bar use, merely the serving of alcohol with meals in the restaurant (subject to licencing) and the training establishment use was not a distinct use either. Consequently, the A4 and D1 uses mentioned in earlier versions of the planning statement have been removed from the revised planning statement.

CONSULTATION RESPONSES

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

Folkestone Town Council were consulted on the amended application and support the proposal; Minutes of meeting held on 22nd September 2016.

Shepway Environmental Health officers were consulted and raised no objection to the proposal subject to a condition relating to no live or amplified music to protect the amenities of nearby residential occupiers.

REPRESENTATIONS

None received.

PUBLICITY

Neighbours notified by letter. Expiry date 29.06.16

Site notice displayed. Expiry date 14.07.16

Advertised in press. Expiry date 07.07.16

RELEVANT POLICIES

Shepway District Local Plan Review saved policies: SD1, BE1, BE4 and S4

Shepway Core Strategy Local Plan: DSD and SS4

National Planning Policy Framework: Paragraphs 17, 23 and 161

National Planning Policy Guidance

APPRAISAL

The main considerations in assessing this proposal will be the appropriateness of the proposed uses for the location in the context of adopted policy and the amenity of neighbouring occupiers and the surrounding area.

PRINCIPLE OF USE

The application site is a currently vacant former stationery shop (Class A1) located in Folkestone Town Centre. The proposal seeks to secure the mix of uses for the new proprietor, with delicatessen and food retail space at ground floor and ancilliary tables and chairs, with a more substantial cafe/restaurant area at first floor. The second floor will provide additional seating to serve the cafe/restaurant and provide space for the hosting of functions and events. It is stated on the application form that the proposed use will require 2 full-time and 6 part-time employees.

In policy terms, the application site is located within the secondary shopping area of Folkestone. Saved policy S4 of The Shepway District Local Plan Review states that change of use to provide Class A uses will be permitted in the secondary shopping area unless they would create a continuous frontage of three or more non-A1 (shops) units. The application site

is currently flanked by a cafe at no. 121 (Class A3), a jewellers at no. 123 (Class A1) and an army supplies shop at no. 117 (Class A1). As such, the proposal would be in compliance with policy S4. It is considered that the change of use in this town centre location will contribute positively to the vitality of the town centre, in accordance with NPPF paragraph 23 in relation to providing customer choice and a diverse retail offer. In addition, it is considered that the proposal is in accordance with the priority centres of activity and reinforces the role of the town centre. The proposal will contribute towards a mix of active ground floor uses, with a predominance of retail goods (Class A1) frontage within the secondary shopping area of Folkestone. As a result, it is considered that the proposal is acceptable in terms of policy compliance and would contribute positively to the vitality and function of the town centre by bringing a currently vacant unit back into use.

AMENITY

With regard to the impact of the proposed use on neighbouring amenity, the proposed uses at ground floor level about other commercial uses, so it is considered that there is no perceived conflict likely to arise in this respect. Immediately above the application property is a recruitment company, another commercial use with which there is unlikely to be any significant conflict so as to impact upon the operation of this business. There are residential units in the property accessed from Pleydell Gardens, no. 115 flats 1 and 2, that were permitted under reference Y12/1115/SH, which are on the top floor in the structure. There is also a residential use immediately beneath this, with windows overlooking the single-storey element of the property to the rear. Consequently, the impact upon these more vulnerable uses must be considered.

Following discussion with the applicant, the original opening hours sought were amended. Consultation with the Council's Environmental Health Officer resulted in alternative opening hours being suggested. The opening hours of the proposed mix of uses is suggested to be controlled via condition to 07:00-00:00 Monday-Thursday, 07:00-01:00 Friday-Saturday and 08:00-23:30 Sundays/Bank Holidays to protect the amenity of neighbouring occupiers. In addition a condition has been added to ensure that no amplified or live music takes place at the site, which would be likely to cause an undue level of noise disturbance to neighbouring residential occupiers.

Given the inclusion of cafe/restaurant floorspace with associated kitchen area, details of extraction routing and vents have been provided, which includes three induction hob units with cooker hood extraction system and single point of exit on the rear elevation of the single storey rear extension, as shown on the proposed section (drawing no. 1531-16, received on 08.09.16). It is proposed to install 3mm perspex defused panels to the underside of the roof lights in the single storey rear extension to improve the acoustic properties of these features, which are directly overlooked by the residential uses above. Given the relative locations of the extraction system and the residential uses to upper floors, and the small scale of the kitchen/cooking operation, it is considered that the proposed extraction system will not cause an unacceptable level of noise disturbance to neighbouring residential occupiers. An informative has been added regarding further consultation with Shepway's Environmental Health department and Planning officers in the event that an upgrade of the extraction system is proposed in future.

REFUSE/RECYCLING

With regard to the collection and storage of refuse and recycling, a condition has been added to ensure that they are stored in a dedicated internal store at the rear of the building, as specified in the application. This would ensure the street scene is protected from having unsightly bins on display, as well as reducing possible odour transmission through containment.

CIL

In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not liable for the CIL charge as it is a change of use and would not create any additional floor space.

RECOMMENDATION

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

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: Graduate Planning Officer Date: 21.10.16

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: Robert Allan Position: Major Projects Team Leader Date: 28/10/16