

Planning Department,
Folkstone and Hythe District Council
Civic Centre
Castle Hill Avenue
Folkstone
CT20 2QY

My reference:

Your reference:

4th November 2020

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR DETERMINATION AS TO WHETHER PRIOR APPROVAL IS
REQUIRED
GROUND AND LOWER GROUND FLOORS, 36 GUILDHALL STREET, FOLKESTONE,
CT20 1EE**

1. We propose to change the use of the ground and lower ground floors of this building from Class A1 shop to C3 residential use. Buildings in this use class continue to benefit from any use class changes they were entitled to before 31st August 2020. The building is owned by Carol and Sidney Whitehouse (freehold owners and bridal shop owners at 36 Guildhall Street). Our client, Mr. Tao Long proposes to convert part of the existing A1 shop use towards the rear, currently comprised in ancillary storage space and not required by the current shop tenant, to provide 1 x Class C3 residential unit over the existing ground floor and lower ground floors under Class M of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed dwelling mix would comprise 1 x 1-bedroom apartment.
2. "Class M" came into force on 15th April 2015 and was amended in 2016 with force from 6th April 2016, and states the following:

Permitted development

M. Development consisting of

(a) a change of use of a building from

(i) a use falling within Class A1 (shops) or Class A2 (financial and professional services) or Class A5 (hot food takeaways) of the Schedule to the Use Classes Order; or

(ii) a use as a betting office, pay day loan shop or launderette, or

(iii) a mixed use combining use as a dwellinghouse with—

(aa) a use as a betting office, pay day loan shop or launderette, or

DRK Planning Ltd

+44 (0)7711 672185 info@drkplanning.co.uk www.drkplanning.co.uk
215 Alfred Court 53 Fortune Green Road London NW6 1DF

Registered Address: 10-14 Accommodation Road, Golders Green, London NW11 8ED Registered in England and Wales No. 06987812

(bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within Class C3 (dwellinghouses) of that Schedule, and

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

M.1 Development is not permitted by Class M if—

(a) the building was not used for one of the uses referred to in Class M(a)

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

(g) the building is—

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

(iv) in a military explosives storage area;

(v) a listed building; or

(vi) a scheduled monument.

Background

3. The application property comprises a four storey building in a busy commercial area which is located on the left side of St Eanswythe Way close to its junction with Oxford Terrace. The NCP public Car Park is within a 2 minute walking distance of the Site. The train station is 12 minutes by foot. The lower ground floor area is 84.4sqm and ground floor comprises 76.3 sqm of A1 shop space (as classified before 31st August 2020) with ancillary stores and kitchen. The first and second floors, which are not part of this application, comprise of separate B1 offices. The shop space is currently occupied as a financially struggling bridal shop. A letter of support from the owners of the bridal shop, which will be retained but reduced in size, is attached to this application. The letter of support makes it clear that the bridal shop business will struggle to survive the economic impacts of Covid-19 and Brexit and that the change of use proposed in this application will in fact reduce the business rates of the bridal shop premises and help the business to survive.
4. The property is located within the town centre and in a busy commercial area. Other convenience stores and local shops, as well as buses, the train station and car parks are nearby.



Above: The Wedding World Shop (weddingworldkent.com), above is the retail premises at the Site.

5. The building is in Flood Zone 1 and is not in an area of critical surface water flooding.
6. There are no statutory or locally listed buildings within close proximity of the site. The site does not fall within a conservation area.
7. There is no Article 4 direction affecting the site's right to Prior Approval under Class M.

Planning and Use History

8. There is no recent planning history in relation to this property.
9. The shop is currently in operation but facing significant financial challenges. The letter of support attached to this application from the owners of the 30 year old bridal shop business makes it clear that they clearly support this application. The application will in

fact assist in allowing this struggling business to function, whilst making effective use of the remaining ground and lower ground floor space not required by the retail business

The Proposals

10. The proposals comprise the change of use of the existing ground floor retail space to 1 x 1 double-bedroom flat, with reduced space to the front retained for the well-established bridal shop. The letter of support for this application from the bridal shop owners explains how the reduction in size of the bridal shop will not impact their ability to continue the business. In fact, it will as mentioned elsewhere in this statement, enable the bridal business to sustain its operation on a viable footing.
11. No extensions to the building are proposed although three new windows are proposed to the ground floor rear elevation of the existing external walls in order to provide improved sunlight and daylight to the new habitable rooms. The windows will be in the same style and using matching materials to existing windows to the building. The front elevation and roof height remain unchanged, thereby having no amenity or streetscape impact on the neighbouring buildings/businesses.
12. The following are enclosed:
 - Location plan showing the application site in red outline
 - Site Plan showing proposed parking and access (existing and proposed)
 - A full set of existing and proposed floor plans
 - Existing and proposed elevations
 - Prior Approval Application Form
 - Letter from current tenant
 - Letter from specialist local commercial agents, Motis Estates

In accordance with Condition M.1

13. Our comments are set out below in respect of each condition.

14. Development is not permitted where

(a) the building was not used for one of the uses referred to in Class M(a)

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

The building has been in use as a shop in Use Class A1 since at least 20 March 2013.

(b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;

Not applicable

- (c) *the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;*

The lower ground floor area is 84.4sqm and ground floor is 76.3sqm. The total area for the two floors changing use is 160.6sqm.

- (d) *the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;*

Not applicable

- (e) *the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;*

Not applicable

- (f) *the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or*

Not applicable

- (g) *the building is—*

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

(iv) in a military explosives storage area;

(v) a listed building; or

(vi) a scheduled monument.

None of the above apply.

In accordance with Conditions under M.2

15. We require confirmation from the Council that prior approval is granted in relation to the transport and highways impacts, design and external appearance, contamination risks local service impact and flooding risks of the site. Each of these elements is addressed in the following sections.

Paragraph W of the GPDO 2015 (as amended)

16. The following is provided in accordance with the requirements of paragraph W:

- Written description of the proposed development

Change of use retail floor space under Class A1 to provide 1 self-contained flat over ground and lower ground floor.

- Plan indicating the site and showing the proposed development
Appropriate plans are included with this application.
- Developer's contact details
- Mr Tao Long
c/o Ms. Ghazala Hussain, DRK Planning Ltd,
215 Alfred Court,
53 Fortune Green Road,
London, NW6 1DF
- Developer's email address
All correspondence to be addressed to the following email address:
ghazala_@hotmail.com

Transport and Highways Impact

17. The site is 2 minutes walk from the NCP public car park, bus stops and 12 minutes walk from the local train station.
18. The Site is within the Town Centre and is within walking distance of local facilities and shops. This is an accessible location and local public car spaces and transportation links exist in abundance.
19. Therefore, with regard to all of these matters, the prior approval of the local planning authority in respect of transport and highways impacts should be granted.

Local Service Impact

20. The existing building is not within a key shopping area and would not have any detrimental impact on any other business due to change of use.

21. According to GDPO Conditions at **M.2**—

“(1) Where the development proposed is development under Class M(a) together with development under Class M(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

.....

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and

....

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

22. In relation to M.2(d)(i), the A1 business in this case is not sustainable as shown by the evidence attached from the owner of the bridal shop. Further, on M.2(d)(ii) the application for Class M would have no adverse impact on the sustainability of the shopping area in which the site is located. The letter from Motis Estates states that, "... this part of the town has always struggled due to its location in the Town Centre." The Class M application makes further sense due to the negative impact of Covid-19 on the local retail market in the area. This is also a fact highlighted at paragraph 3 of the letter of support from Motis Estates.

Flood risk assessment

23. The site is located in an area of low flood risk and Flood Zone 1. Therefore, the prior approval of the local planning authority in respect of flood risk should be granted.

Contamination assessment

24. There is no evidence of environmental risk in this respect.

Adequate Natural Light

25. The proposed new home would benefit from good natural sunlight and daylight, especially with three new proposed window openings that are proposed as part of this application. Three new window openings would be proposed to the rear elevation at ground floor level to bring natural light into the bedroom at this level. At lower ground level, the open-plan lounge and dining room would be served by an existing window opening.

Design and External Appearance

26. The proposed changes to the external appearance of the property would be in character to its intended residential use and would not be harmful to the character of the area.

Conclusions

27. The existing building proposed to be subject to this application has a lawful A1 retail use and the proposed change of use presents no contamination or flood risk to the future occupiers of the proposed flats, nor would it adversely affect local access to shops and services. In addition, the proposal will not lead to a material increase in the character of traffic in the vicinity of the site, and applications should only be refused on transport and highways grounds if the impact of proposals is likely to be 'severe', which would not be

the case with these proposals. Therefore, these proposals would be acceptable in highways terms and with regard to the external appearance of the property and proposed light amenity for future occupiers.

28. Therefore, we ask that this application should be granted.

Yours faithfully,

Ghazala Hussain

Senior Assistant Planning Consultant

DRK Planning Ltd