

Officer Report

Application No.	24/0380/FH/PA
Site Address	31 & 31A Black Bull Road, Folkestone, CT19 5QN
Officer Name	Robert Allan
Proposal	Determination as to whether the prior approval of the Local Planning Authority is required under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of the ground floor business premises and first floor flat to a single dwelling house

Recommendation

Report Number	RD-434498
Recommended Decision	Recommended to be Granted
Recommendation Date	14 May 2024

Report

SITE

The application site is a two storey, mid-terrace property, of Victorian/Edwardian era. It is finished in red brick, with a paler buff for detailing. The ground floor facing the street is a historic shopfront, but appears to be boarded up, indicating it is not occupied and has not been for some time. The upper floor There are two separate addresses – 31 and 31A Black Bull Road. The site lies within Flood Zone 2 & 3. There are no other designations on the local policies map.

RELEVANT HISTORY

No recorded planning history for the site.

Neighbouring site at 33-35 Black Bull Road

Y09/0123/SH - Continued use of part of first floor as a self-contained flat. Approved with conditions

Y08/0029/SH - Change of use and conversion of ground floor from public house to 2 self-contained flats and other external alterations. Approved with conditions.

PROPOSAL

This application is a prior notification and seeks to determine whether prior approval of the Local Planning Authority is required under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of the ground floor business premises and first floor flat to a single dwellinghouse.

The proposal would create a single residential unit of approximately 88.5sqm, with two bedrooms.

CONSULTATION RESPONSES

Consultation is not required as part of the process.

Comments received from:

Folkestone Town Council: Consent required but no objection.

Environmental Health: No objection.

KCC Highways & Transportation: Outside of consultation protocol.

Environment Agency: No objection subject to conditions.

REPRESENTATIONS

No representations received.

PUBLICITY

N/A

Site notice posted. Expired 08.05.2024

RELEVANT LEGISLATION

Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Town and Country Planning (General Permitted Development)(England)(Amendment) Regulations 2020/1243

Technical housing standards – nationally described space standard

APPRAISAL

The existing floor plans and application form indicate that the existing/former use at ground floor was as a retail unit falling within use class E (formally use class A1) and the first floor is in residential use (use class C3). As part of the process, Building Control were contacted to see if any building works had commenced. There are no record of works commencing. Council Tax were also contacted and records show that the ground floor, 31 Black Bull Road, is paying business rates, whilst 31A is paying Council Tax.

The legislation has been reviewed and the proposal complies with the requirements of part MA.1 as amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024.

The conditions (a-i) within MA.2 as amended by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 have been reviewed and, in consideration of the supporting information accompanying the application, the proposal considered to comply with conditions a) - i) and as such would not require prior approval.

(a) The transport impacts of the development would be minimal and not require prior approval;

(b) The proposal relates to the conversion of an existing property where there would be no contamination risks.

(c) The site is within zones 2 & 3 of the Environment Agency flood risk maps for fluvial flooding and a site-specific flood risk assessment (FRA) has been submitted with the application. This has been reviewed by the Environment Agency and found to be acceptable. A condition recommending that flood mitigation measures be incorporated into the conversion works and requesting that no sleeping accommodation be provided at ground floor level will be appended.

(d) There will be a degree of noise arising from the town centre location (traffic, people, general activity) but this is a common feature of town-centre living and not a matter on which a challenge to the proposal would be sought. The neighbouring uses have long since ceased, and the public house has not been operational for some years (planning has previously been granted for its conversion into flats).

(e) The building is not located in a conservation area and as such prior approval is not required.

(f) Adequate natural light would be provided in all habitable rooms of the dwellinghouse;

(g) There is not considered to be an impact on the intended occupiers of the development and the area is not considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

(h) The development would not result in the loss of a registered nursery or a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and

(i) The development meets the fire risk condition.

Paragraph W

The requirements of paragraph W have been met.

Other matters

National Space Standards. Article 3 of the GPDO states that the GPDO does not grant permission for any dwellinghouse that would be less than 37sqm or would not comply with the nationally described space standard. In this case, the national space standards will be met.

The development is within an area subject to CIL at a rate of £0. Notwithstanding this, Vacant Building Credit (VBC) applies. Para. 65 of the NPPF sets out that “to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.” Footnote 31 then specifies that the “proportionate amount” is equivalent to the floor space of the existing building. Therefore no contribution would be required in this instance.

DUTY TO COOPERATE

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate,

updating applicants / agents of any issues that may arise in the processing of their application. In this instance, no additional clarification or additional information was sought.

RECOMMENDATION

Taking the above into account it is considered that the Council's prior approval is required in regards to flooding risks in relation to the building, and it is recommend that prior approval is granted subject to the condition set out below.

Recommended Conditions (2)

1

The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

- Flood Risk Assessment for the Proposed Development at 29-31 Black Bull Road, Folkestone dated April 2024, received 15 April 2024 (by Herrington Consulting)
- 2128/01 Rev A - Elevations, received 20 February 2024
- Block Plan, received 20 February 2024

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.

2

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Herrington Consultation, April 2024) with no ground floor sleeping accommodation at any time. The mitigation measures within the report shall also be fully implemented prior to occupation and subsequently maintained thereafter throughout the lifetime of the development.

Reason: To ensure the development is safe from flooding