



R HUMBER TOWN PLANNING CONSULTING

PLANNING STATEMENT

(INCORPORATING DESIGN AND ACCESS STATEMENT AND HERITAGE STATEMENT)

SITE: 7 RENDEZVOUS STREET, FOLKESTONE

PROPOSAL: PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM RETAIL (USE CLASS E) TO 1 RESIDENTIAL FLAT (C3)



Source: Google Earth

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1. Introduction

- 1.1** This Planning Statement has been prepared by Rachel Humber - Town Planning Consulting on behalf of the owner and applicant The MPL Group.
- 1.2** This Planning Statement demonstrates that Prior Approval is not required under Class MA of part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of 7 Rendezvous Street, Folkestone from retail, Class E (a) (commercial, business and service) to 1 residential unit, Class C3 (dwellinghouses).
- 1.3** The property is located on the western side of Rendezvous Street, with The Old High Street situated to the north and Guildhall Street, Church Street to the south, in the heart of Folkestone town centre. The proposal relates to a four storey building, with accommodation in the roof space, and is of mid C19th origin. It is of red brick construction, with an original ornate shop front, but later replacement windows at first, second and third floor levels (figure 1). The ground and first floor are currently used as one retail unit, whilst the upper floors are split into two separate residential units.



Fig 1: Front elevation (north) facing Rendezvous Street (Source: Google Earth)

- 1.4** To ensure that the retail space remains a viable option it is proposed to reduce the retail space to just the ground floor level and convert the first floor to a self-contained residential unit.
- 1.5** A recent survey of the building has highlighted the need for the upper two flats to be refurbished, the recent EPC scored a rating of E, the Minimum Energy Efficiency Standards (MEES) regulations, aims to raise the energy efficiency, comfort, and overall quality of privately rented homes and commercial properties in England and Wales. The Government has indicated that impending legislation will be introduced to ensure that all rental properties will achieve an EPC rating of C by 2030. Thus the

applicant is proposing to refurbish the upper two flats to ensure that an EPC rating of C will be achieved.

- 1.6** Schedule 2 Part 3, MA of the General Permitted Development Order (GPDO) permits a change of use of any building or land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwelling houses) subject to a number of conditions, which are discussed in section 5 below.
- 1.7** This Planning Statement sets out the legislation against which this application is submitted and assesses the proposal against the requirements of the legislation, in order to demonstrate that the proposed change is permitted development and no Prior Approval is required. In accordance with the provisions of Paragraph W (Prior Approval) the submission includes plans showing the proposed development, floor plans indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls and the elevations of the flats.
- 1.8** External alterations are proposed in a separation planning application, which it is understood cannot be considered as part of this application. As such a planning application will be submitted to allow the impact to be fully assessed.
- 1.9** External alterations (to be considered in a full planning application) include the alteration to the fenestration in the front elevation (to reinstate original features) and a small roof extension to increase the size of an existing bedroom. It should be noted that this Prior Approval application is capable of being implemented regardless of these proposed external changes.
- 1.10** This development would make a positive contribution to the local community and would provide an opportunity to meet an identified housing need within a highly sustainable location in the District.

2. Site and Surrounding Area

- 2.1** The site is located within the Folkestone Leas & Bayle Conservation Area, an Archaeological Notification Area, a Landscape Character Area (Wealden Greensand), and is located within a secondary shopping area in Folkestone Town Centre (figure 2). The site is within a wholly sustainable location, with good access to public transport links and public amenities and services within the town centre.



Fig 2. Folkestone Local Plan. Red star = site location (Source: Interactive policy map)

- 2.2** The building has a retail use at ground and first floor level with residential accommodation above, which is a common feature in Rendezvous Street. The retail unit

at ground floor extends to the rear of the site, where there is a pedestrian access leading to Market Place and a further pedestrian link to Guildhall Street. The rear of the building also provides a self-contained access to the residential units on the upper floors.

2.3

Adjacent to the building at the rear (west) is 'The Guildhall', a Grade II listed building, which is currently used as a museum and has its primary frontage onto Guildhall Street (figure 3).



Fig 3. Aerial photo – showing 'The Guildhall' to the west (Source: Google Earth)

3. Proposal

- 3.1** Prior Approval for change of use of the first floor from retail (Use Class E) to 1 No dwelling (Use Class C3) (1 x 1 bed, 2 person) is being sought (figure 4).

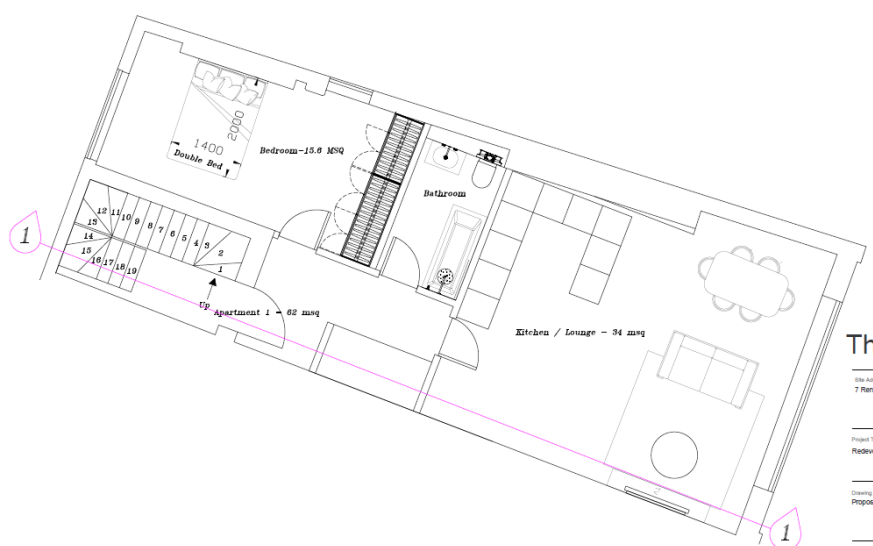


Fig 4. Proposed first floor flat (Source: The MPL Group)

- 3.2** The layout will consist of the change of use and conversion of the first floor of the building. A retail use will still remain on the ground floor back to a dwelling consisting of three bedrooms. The upper floors will remain in generally the same configuration but will be refurbished to improve the EPC rating. A separate planning application will be submitted for changes to the fenestration and to the fourth floor (roof level)
- 3.3** The layout plans demonstrate that all units meet or exceed the National minimum space standards and that every habitable room benefits from natural light and ventilation. In summary, the proposal will provide high quality living space that is compliant with national standards and the conditions placed on Class MA conversions. It will also provide a significant benefit to the local area by rejuvenating a prominent building near the town centre and providing much needed housing in this area.

4. Relevant Planning History

- 4.1** There is no planning history relevant to this building.

5. Qualifying Development

5.1 The relevant legislation against which this application is submitted is the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2021. Class MA has replaced the former Class O permitted development right and allows, in specified circumstances, for the change of use of a building falling within Use Class E to Use Class C3 without the need for a planning application. Changes to the legislation were made and came into force on the 5th March 2024 omitting restrictions on the 3 months vacancy period (paragraph (a)) and the floor space quantum (paragraph (c)).

5.2 An assessment of the various requirements and restrictions of Class MA in relation to 7 Rendezvous Street is provided below.:

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwelling houses) of Schedule 1 to that Order.

5.3 Under the provisions of the Order, development is not permitted by Class MA;

1.(1) (b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Complies – the unit is currently in a E use.

1.(1) (d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

(ii) is or forms part of a listed building or land within its curtilage;

(iii) is or forms part of a scheduled monument or land within its curtilage;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area

Complies – None of these restrictions apply.

1.(1) (e) if the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3);

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site

Complies – None of these restrictions apply

1.(1) (g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

Complies – This has expired.

1.(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);

(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Complies – The lawful use of the building is Class E (commercial).

5.4

From this assessment above, it is clear that Class MA permitted development rights do apply to 7 Rendezvous Street.

6. Planning Assessment

6.1 As described in the previous section, the proposal site qualifies as benefitting from permitted development under Class MA, subject to complying with a number of conditions set out in MA.2. At Paragraph MA.2 it states that an application must be made to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to:

(a) Transport and highways impacts of the development;

(b) Contamination risks on the site;

(c) Flooding risks on the site;

(d) Impacts of noise from commercial premises on the intended occupiers of the development;

(e) Where-

- *The building is located in a conservation area, and*
- *The development involves a change of use of the whole or part of the ground floor;*

The impact of that change of use on the character and sustainability of the conservation area;

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses;

(g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

(h) Where the development involves the loss of services provided by-

- *A registered nursery, or*
- *A health centre maintained under section 2 or 3 of the National Health Service Act 2006.*

6.2 Criteria “g” does not apply to this prior approval as the site is not located within an area in which the authority considers to be important for general or heavy industry, waste management storage and distribution, or a mix of such uses.

6.3 Criteria “h” is also not relevant as the building has not been used as a registered nursery or a health centre maintained under section 2 or 3 of the National Health Service Act 2006.

6.4 The remaining criteria are considered below.

Transport Impacts

6.5 Condition (a) requires consideration of the transport impacts of development and particularly to safe site access. The site is sustainably located in the town centre confines of Folkestone, with good access to local facilities and areas of open space including Folkestone seafront and the Lower Leas Coastal Park. It is within the designated town centre and is approximately 1km from Folkestone train station.

6.6 There are numerous public car parks within walking distance of the site and controlled areas of on-street parking in close proximity. The dwellings will not have car parking spaces allocated and the scheme will be entirely “car free”. This will ensure that the proposal has limited vehicle trips associated and will have negligible impact on the local highways network. The Controlled Parking Zone and restricted parking in the surroundings will ensure that this car free development can be properly enforced.

6.7 The application site benefits from connection to the adjacent pedestrian infrastructure with footways on both sides of the surrounding roads, regularly spaced street lighting, dropped kerbs and tactile paving, and crossing opportunities in the vicinity of the site. The site benefits from convenient access to a comprehensive network of off-road and on-road cycle routes.

6.8 The existing arrangement for waste collection will not change and is provided within a communal waste storage area just a short walk from the site.

- 6.9** Based on the above, the development proposals are not expected to result in any adverse traffic impacts on the operation of the local highway network and therefore, it is considered that the scheme is fully acceptable with regard to its transport and highways impacts.

Contamination

- 6.10** Condition (b) requires consideration of contamination risks at the site. The existing use is retail and there is no indication that this land would have been contaminated in the past.

Flood Risks

- 6.11** Condition (c) requires consideration of flood risk in relation to the building. The site is within Flood Zone 1 (Low Risk) and is less than a hectare and as such a Flood Risk Assessment is not required. There would be no increase in impermeable area and therefore no risk of increasing flood risk elsewhere.

Conservation Area

- 6.12** In accordance with Condition (e) there are additional considerations where a site is within a Conservation Area and involves the change of use of all or part of the ground floor. In this instance the site forms part of the Folkestone Leas & Bayle Conservation Area, but the proposal only includes the change of use of the first floor. Through the associated planning application, the site would also benefit from the restoration of external architectural detailing and features such as windows.

Noise

- 6.13** Condition (d) requires consideration of the impact of noise from commercial premises on the intended occupiers of the development. The condition is intended to protect businesses from noise complaints. In this instance, the proposal site is within a relatively

quiet part of the secondary frontage, where surrounding upper floors are all within a residential use. The retail use at ground floor level would not generate an unacceptable level of noise and sound proofing between the units would meet current building regulation standards. The use of the property as a dwelling is not considered to have any material impact upon the local noise environment.

Natural Light

- 6.14** Condition (f) requires all units to provide adequate natural light to all habitable rooms. The building benefits from having a lot of existing windows. As such internal daylight levels are expected to be very good. The layouts provided demonstrate that all habitable rooms will benefit from adequate natural daylight.

Space Standards

- 6.15** Schedule 1 part 3 paragraph 9A of the GDPO States that all new dwellings must comply with the nationally described space standards. The proposed new dwelling has been designed to meet the minimum space standards set out in the Technical Housing Standards: Nationally Described Space Standard.

Fire Safety

- 6.16** The building is not over 18m or 6 storeys in height and therefore there would not be a requirement for a Fire Statement at planning stage. The layouts have taken due consideration of the regulatory requirements and the fire strategy will be considered at building control stage. As there are two street frontages there would be easy access for a fire appliance and multiple options for a suitable evacuation point.

7. Conclusions

- 7.1** In summary, the proposal comprises the conversion of the existing Class E floorspace to create one residential dwelling under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposed works meet the requirements set out in the GPDO and it is considered that prior approval for the matters considered above should be approved for this change of use.