

**Application No:** 22/2155/FH

**Location of Site:** East Cliff Pavilion, Wear Bay Road, Folkestone, CT19 6BL

**Development:** Retrospective application for the erection of rear and side extensions, and external alterations to the building, along with proposed external spiral staircase/fire escape.

**Applicant:** Mr P Blaskowski

**Agent:** Mr G Fitch

**Officer Contact:** Robert Allan

## SUMMARY

The report considers whether planning permission should be granted for the extensions and alterations that have been carried out to the application property, as well as seeking permission for an external spiral staircase/fire escape. The report assesses the visual amenity of the proposal and the amenity of neighbouring residents, finding that the proposal is acceptable and in accordance with adopted policy.

## RECOMMENDATION:

<p><b>That planning permission be granted subject to the conditions set out at the end of the report.</b></p>
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## 1. INTRODUCTION

- 1.1. The application is reported to Committee as the site is owned by Folkestone and Hythe District Council.

## 2. SITE AND SURROUNDINGS

- 2.1. This application site is outside of, but immediately adjacent to the defined settlement boundary of Folkestone, with a residential area predominantly characterised by two-storey detached properties in spacious plots to the west and north and the open space of the East Cliff golf course to the north. The application building is a two-storey detached building in an early to mid-twentieth century architectural style, with sprocketed eaves, applique timber framing and prominent hipped gable features. It is finished in render to the walls and slate to the roof.
- 2.2. The application site is within an area of archaeological potential for major applications or equivalent only but falls within the Kent Downs Area of Outstanding Natural Beauty (AONB), North Downs Special Landscape Area (SLA) and the Folkestone and Dover Heritage Coast.

2.3. A site location plan is attached to this report as **Appendix 1**.

## 3. PROPOSAL

3.1 Retrospective planning permission is sought for the erection of side and rear extensions, internal and external alterations to the building and a proposed external spiral staircase/fire escape to the south eastern elevation. Internal alterations to the premises do not require planning permission. The external alterations comprise patio areas to the front (southwest) and side (south east), the glazed balustrade to the first floor (south western) elevation, and the windows at first floor level to the side (south east) elevation also.

3.2 The elevations and layout for which planning permission is sought can be seen in images 1 - 6 below.

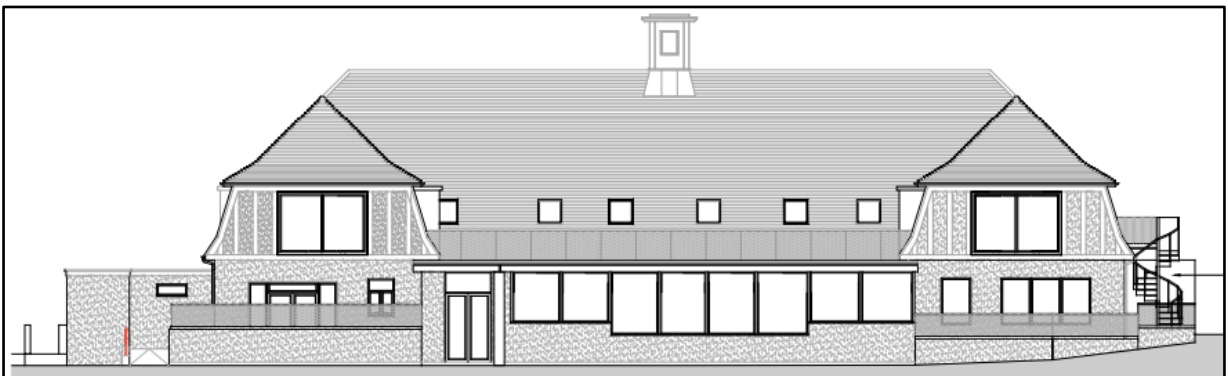


Image 1: Proposed front (south western) elevation

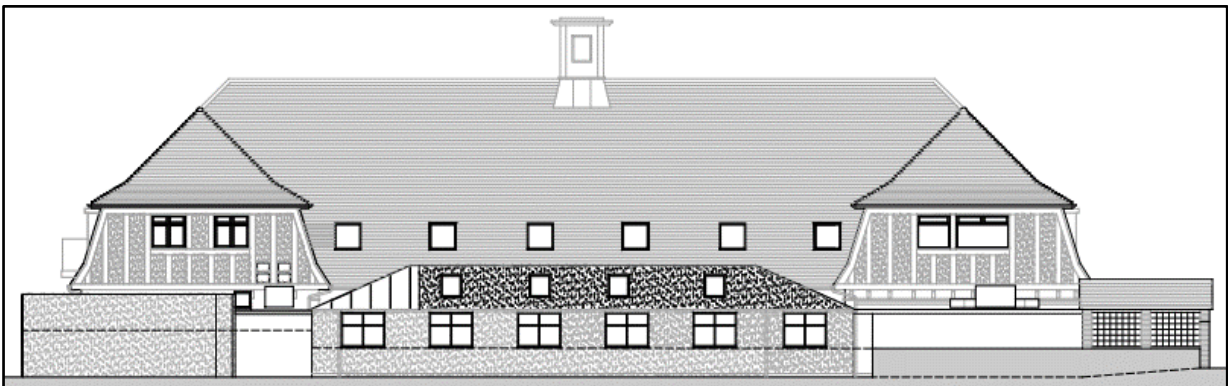


Image 2: Proposed rear (north eastern) elevation



Image 3: Proposed side (north western) elevation



Image 4: Proposed side (south eastern) elevation

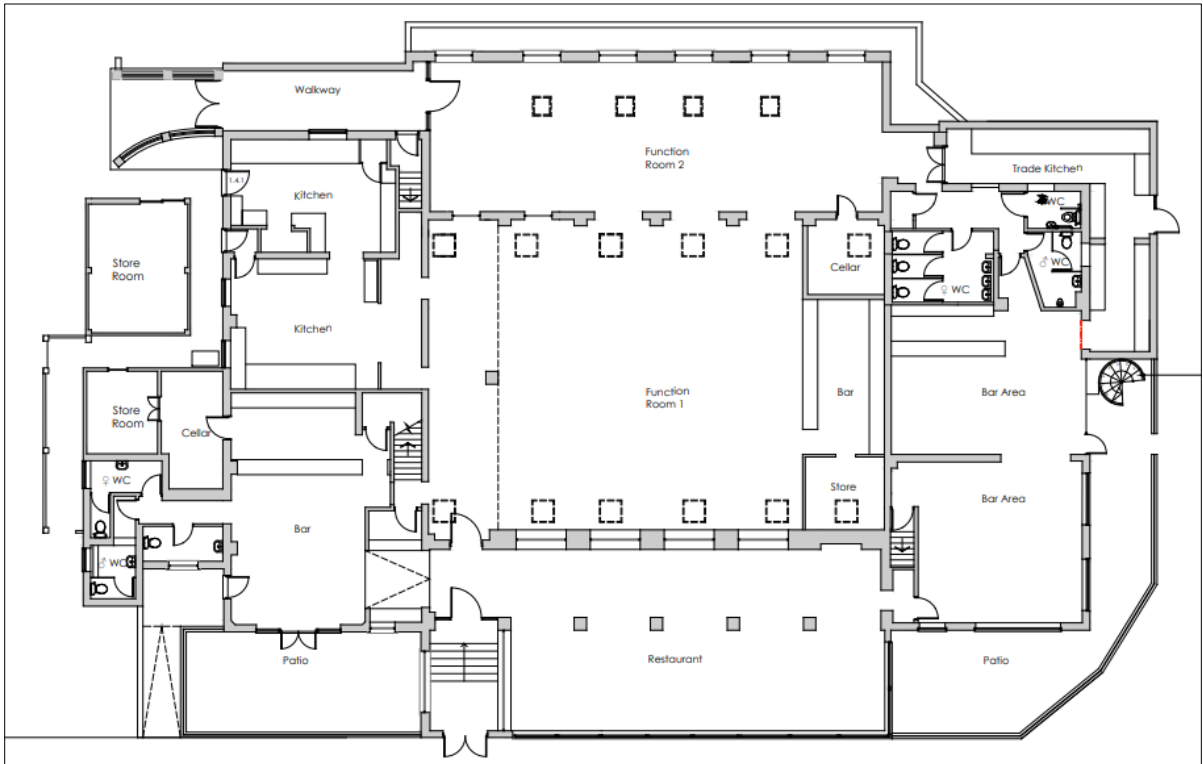


Image 5: Proposed ground floor plan

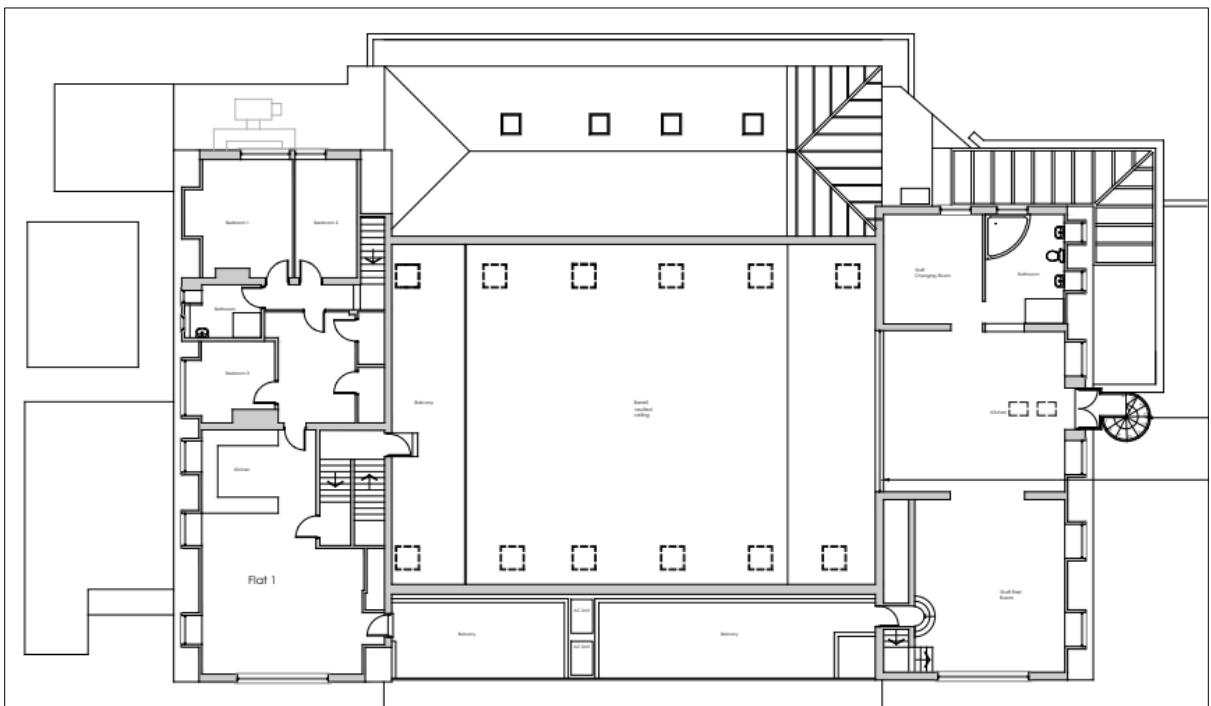


Image 6: Proposed first floor plan

#### 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y16/0040/SH The enlargement of existing first floor windows to the front elevation, the installation of a new door to the front elevation , the installation of Approved

three new windows and a door to the side elevation with retrospective consent for an additional six rooflights.

Y14/1417/SH	Retrospective application for change of use from restaurant and function rooms (Class A3) to church and church hall (Class D1) for community use with a community coffee shop (Class A3) use.	Approved
Y12/0919/SH	Creation of a self-contained flat and other external alterations	Refused
Y04/0903/SH	Erection of a first-floor rear extension together with the erection of an external staircase to the side (southeast) elevation (resubmission of Y04/0423/SH).	Approved
Y04/0423/SH	Erection of a first-floor rear extension together with the erection of an external staircase to the side (southeast) elevation.	Refused
98/0499/SH	Provision of disabled access ramp and formation of a patio.	Approved
90/0185/SH	Nursery school in part of building.	Approved

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**Folkestone Town Council:** No comments received.

**Kent Downs AONB Unit:** No comments received.

**Environmental Health:** No comments received.

### Local Residents Comments

5.2 Eight near neighbours have been notified of the development. No representations have been received.

5.3 Responses are available in full on the planning file on the Council's website:

## 6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022. The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022.

6.2 The relevant development plan policies are as follows:-

### Places and Policies Local Plan 2020

HB1	Quality Places Through Design
NE3	Protecting the District's Landscapes and Countryside
NE9	Folkestone and Dover Heritage Coast

### Core Strategy Review 2022

SS1	District Spatial Strategy
SS3	Place-shaping and sustainable settlements strategy
CSD4	Green Infrastructure of Natural Networks, Open Spaces and Recreation

6.3 The following are also material considerations to the determination of this application.

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2021

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF 2021 are relevant to this application: -

11	Presumption in favour of sustainable development
47	Applications for planning permission be determined in accordance with the development plan
130	Achieving well-designed places
176	Conserving and Enhancing the Natural Environment

## 7. APPRAISAL

7.1 The main issues for consideration are:

- a) Visual impact
- b) Residential amenity

## c) Other issues

### a) Visual Impact

- 7.2 Policy HB1 requires, a development proposal to make a positive contribution to its location and surroundings. Policy NE3 requires that the natural beauty and locally distinctive features of the AONB and its setting, and the SLA, are conserved and enhanced. Policy NE9 relates to the Folkestone and Dover Heritage Coast and requires that proposals preserve and enhance natural beauty, landscape, heritage, scientific and nature conservation value.
- 7.3 The building is located on the corner of a road immediately adjacent to an urban residential area, at the top of the East Cliff, overlooking Folkestone Harbour. The land behind rises to the golf course, and it is surrounded by an area of hardstanding that provides carparking for the facility.
- 7.4 The external alterations to the building that have already been carried out comprise the patio areas to the front (southwest) and side (south east), the glazed balustrade at first floor level (south west), and the windows at first floor level to the side (south east) elevation also. The proposed external spiral staircase would also be located on the south-eastern elevation.
- 7.5 The existing alterations are of good quality and are sympathetic to the character of both the building and the wider area, with a negligible impact upon the overall impact of the structure within the designated landscapes. The proposed staircase would be a small addition to the structure that would sit within the building silhouette and also have no discernible impact upon the character of the building, the street scene or the designated landscapes. Images of the development that has been carried out can be seen in images 7 -10, below.
- 7.6 The proposal is considered acceptable regarding Places and Policies Local Plan policies HB1, NE3 and NE9.



Image 7: patio at western corner



Image 8: patio at southern corner





Image 9: south western elevation with first floor balustrade



Image 10: south eastern elevation showing first floor windows and ground floor patio

## **b) Amenity**

- 7.7 Places and Policies Local Plan policy HB1 states that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook.
- 7.8 The nearest dwelling is approximately 18.5 metres away from the application site, across a C-Class road. Neither patio area is considered likely to cause any nuisance from noise and disturbance, given the separation distances involved and the presence of the intervening highway, whilst the windows on the south eastern elevation would face out to sea, causing no overlooking. The proposed spiral staircase would also be on this elevation and would equally cause no loss of amenity in any regard.
- 7.9 Overall, the amenities of neighbouring occupants would be safeguarded in accordance with policy HB1.

## c) Other issues

- 7.10 The proposals do not impact upon car parking provision, with the car parking at both the front of the building and to the rear, in the Council-controlled car park, unaffected by the development as constructed or as proposed.

### **Environmental Impact Assessment**

- 7.11 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

### **Local Finance Considerations**

- 7.12 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.
- 7.13 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This proposal is not CIL liable.

### **Human Rights**

- 7.14 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

### **Public Sector Equality Duty**

- 7.15 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

## **Working with the applicant**

- 7.16 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## **8. CONCLUSION**

- 8.1 The proposal would retain existing alterations and extensions to the property, as well as permit a new external staircase/fire escape. No harm is envisaged to the visual amenity of the building, the streetscene, or the designated landscapes, whilst the standard of residential amenity for neighbouring occupants would be unaffected.
- 8.2 Overall, it is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

## **9. BACKGROUND DOCUMENTS**

- 9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

## **10. RECOMMENDATIONS**

**That planning permission is approved subject to the following conditions:**

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

22.37.26 Rev. P1 Proposed Elevations  
22.37.25 Rev. P1 Proposed Elevations  
22.37.20 Rev. P1 Proposed Ground Floor Plan  
22.37.21 Rev. P1 Proposed First Floor Plan

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. Prior to construction of the staircase, details of the external finishing materials to be used shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason:

In the interest of visual amenity.

