

SECTION D
DEVELOPMENT TO BE CARRIED OUT BY THE COUNTY COUNCIL

Background Documents - the deposited documents, views and representations received as referred to in the reports and included in the development proposal dossier for each case and also as might be additionally indicated.

Item D1

Change of use to provide educational facility for up to 20 students at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011)

A report by Head of Planning Applications Group to Planning Applications Committee on 14 February 2012.

Application by Kent County Council Property Group for the change of use from A2 (Financial & Professional Services) to D1 (Non-Residential Institutions) within the Use Classes Order to provide an educational facility for up to 20 students at 106 Cheriton Road, Folkestone – SH/11/969 (KCC/SH/0418/2011).

Recommendation: Planning permission be granted, subject to conditions.

Local Member(s): Mr. R. Tolputt

Classification: Unrestricted

Site Description

1. The application site, 106 Cheriton Road, is located on the outskirts of Folkestone Town Centre. 106 Cheriton Road forms part of a parade of retail units, currently consisting of a pharmacy and convenience supermarket. The existing retail units located on the ground floor sit below residential accommodation above, which form the top three floors of the units. The application site fronts onto a number of busy roads, namely Cheriton Road and Castle Hill Avenue and is located opposite Radnor Park United Reformed Church. The application site is located a short walk from the mainline Folkestone Central Railway Station and is well served by a number of public bus services running to/from the town centre.
2. The premises which are the subject of this change of use application comprise two floors (plus basement storage) set within a four storey building. The two upper floors would remain as residential accommodation as would the front part of the first floor, whilst the basement, ground floor and part of the first floor would be subject to the change of use to provide an educational facility. The premises the subject of this application are currently unoccupied, the previous use as an architectural office, having ceased and the premises vacated some 12 months ago.

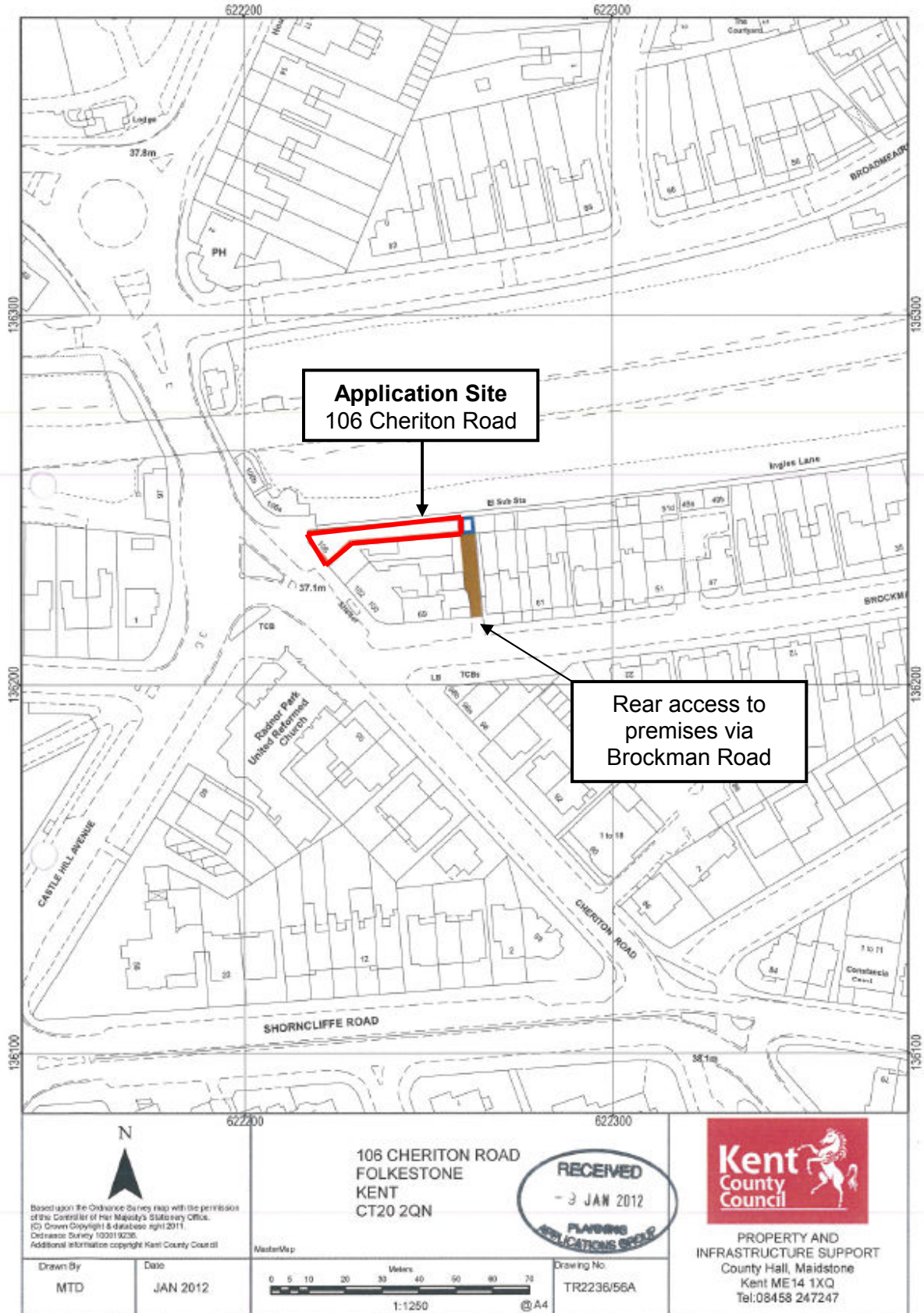
Proposal

3. The proposal seeks planning permission for a change of use from Class A2 (Financial & Professional Services) to Class D1 (Non-Residential Institutions) within the Use Classes Order to provide an educational facility for up to 20 students. The proposed accommodation would be used as an alternative provision for Key Stage 4 education that cannot typically be provided within the mainstream school system. Many of the pupils to be taught at the proposed facility come from a disadvantaged background and many have had difficulties in their personal lives and in coping in a mainstream school environment. The facility would operate during normal school hours and during term-times only (approximately 190 days per year). The maximum number of students would be up to 20 pupils aged between 14 – 16 years old, and there would be a high staffing

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Site Location Plan



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Proposed Floor Plans



<p>106 CHERITON ROAD FOLKESTONE KENT CT20 2GN</p>			
<p>MasterMap</p>		<p>PROPERTY GROUP County Hall, Maidstone Kent ME14 1XQ Tel:06458 247247</p>	
<p>Drawn By</p> <p>JC</p>	<p>Date</p> <p>SEP 2011</p>	<p>NOT TO SCALE</p>	<p>Drawing No.</p> <p>—</p>

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ratio with two members of staff per eight pupils.

4. The proposed facility currently operates at separate premises within Folkestone (23-25 Tontine Street); however the present accommodation is not fit for purpose and does not comply with Ofsted regulations. As part of the proposed change of use there would be no alteration to external appearance of the building, with limited internal building works taking place, such as the installation of new toilets on the ground floor.

Planning Policy Context

5. The key National and Development Plan Policies most relevant to the proposal are summarised below:
 - (i) **National Planning Policies** – the most relevant National Planning Policies are set out in PPS1 (Delivering Sustainable Development).
 - (ii) **South East Plan (2009)** – the most relevant policies are: CC1 (sustainable development), CC4 (sustainable design and construction) and S3 (education and skills).

Important note regarding the South East Plan:

Members will already be aware of the relevant South East Plan (SEP) policy considerations in relation to the proposed development, in that The Plan was revoked and later reinstated pending the enactment of the Localism Bill. Members will also be aware that they have to have regard to the policies in the SEP and the Government's intention to abolish the Regional Spatial Strategies (RSS) as material considerations. However the weight to be accorded is a matter for the decision makers. Members will note that the Localism Bill has now been enacted; however the SEP remains in effect until such time as the Government complete the formal process of revoking the Plan.

- (iii) The **Shepway District Local Plan Review (2006)** – the most relevant policies are summarised below:

Policy SD1 Sustainable development

Policy BE1 Building design, layout and special needs access

Policy BE8 Building alterations and extensions

Policy TR11 Access to the highway network

Policy TR12 Car parking

Consultations

6. **Shepway District Council:** raises no objection to the proposal, but wishes to make the following comments:

Considered that as the proposal involves no external alterations it would not be harmful to the streetscene and represents a positive outcome, by virtue of bringing a vacant ground floor back into use. The existing shop front should not be compromised, so as

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not to preclude any potential future commercial use. It is considered that an acoustic survey should be carried out to assess the need or otherwise for sound installation between adjoining properties to assess any mitigation required to protect the amenity of neighbouring occupiers. With conditions attached as necessary, including controlling hours, the proposal would not be considered to result in any greater harm to the amenity of neighbouring occupiers.

Given the history of the site, it is recommended that appropriate conditions are considered regarding land contamination and attached as necessary. Regarding the level of on-site parking, it is considered that the Highway Authority should be satisfied with the limited land available, notwithstanding the proximity to local public transport services.

7. **KCC Highways and Transportation:** raises no objection to the proposal in respect of highway matters.

Local Member

8. The local County Member, Mr. R. Tolputt was notified of the application on the 4 October 2011.

Publicity

9. The application was publicised by the posting of a site notice at the front of the premises and the individual notification of 45 residential and business premises in the immediate locality.

Representations

10. I have received two letters of representation in respect of this application from an adjoining business and nearby neighbour. The main grounds of objection are as follows:
 - concerns expressed regarding potential noise generated by the congregation of up to 20 students and staff;
 - the change of use would increase the nuisance value of the area which is already fragile and would potentially increase shop-lifting within local stores; and
 - object to the facility as it could be used for a drugs and/or alcohol drop-in facility

Discussion

11. The application seeks planning permission for a change of use from Class A2 (Financial & Professional Services) to Class D1 (Non-Residential Institutions) within the Use Classes Order to provide for alternative provision for up to 20 students between 14-16 years old (Key Stage 4) which cannot be facilitated within the mainstream school system. The application is being reported to the Planning Applications Committee as a result of the representations set out in paragraph (10 above). In considering this proposal, regard must be had to the key National and Development Plan Policies outlined in paragraph (5). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies,

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Government Guidance and other material planning considerations arising from consultation and publicity.

12. It should be noted that the proposal does not include any external alterations to the appearance of the building and only includes minor internal changes, such as the provision of new toilet facilities. I am therefore satisfied that there would be no adverse impact on the streetscene as a result of this proposal. I am also satisfied that there is clearly a need for the current teaching facility (located in Tontine Street) to be relocated due to its current unsuitable premises and this facility has been chosen by the County Council to fit the facility's requirements. I note that the premises at 106 Cheriton Road are currently unoccupied, having been vacant for approximately 12 months, and that there are no policies within the adopted Local Plan which presume against the loss of an A2 use within this locality.
13. Written representations have been received relating to the potential noise generated by the congregation of up to 20 students and staff using the proposed facility. Whilst it is acknowledged that some increase in outdoor noise is almost inevitable (with the comings and goings of up to 20 14-16 year olds) it should be noted that the activities taking place within the premises would involve structured learning activities within a closely supervised environment. Moreover, as outlined above, the proposed staff to pupil ratio would be unusually high with 2 members of staff to 8 pupils, with the Centre Management Team having overall responsibility for ensuring appropriate supervision and noise control. It should also be noted that the proposed facility would be used during normal school hours and during term time only (typically 190 days per year). There would be no use during evenings and weekends. I consider that the timings of use of the facility could be appropriately controlled through a condition should permission be granted for this change of use.
14. Furthermore, the premises are within a purpose built former retail unit with physically separated (maisonette style) residential accommodation above and adjoining, so there is no reason to assume that the sound insulation qualities of the construction are inadequate to prevent transference of noise between the separate units of accommodation, or indeed any worse than any other co-joined accommodation. The three residential units have been totally refurbished and converted into purpose built maisonette style accommodation within the last two years which involved the installation of sound proofing measures as a condition of the Building Control approval by the District Council. The applicant has confirmed to me that there would not be any classroom space in the proposed educational facility located directly below the residential accommodation, as the residential accommodation is located on the 1st, 2nd and 3rd floors on the front section of the building only, below which the reception/office area of the proposed educational facility would be located. Similarly, the residential dwelling above the adjoining shop would also not be adjacent to any proposed classroom space which I note would be located on the ground floor. Based on the above, I therefore have no reason to believe that noise levels generated by the proposed facility would be any greater than a typical office use (i.e. that falling within Use Class A2), or would lead to an unacceptable impact on surrounding amenity. For these reasons, I do not consider that a full acoustic survey of the premises, as the District Council has suggested in its consultee response (as outlined in paragraph 6 above), is necessary or reasonable. I would however seek to impose a condition on any change of use consent to specifically prevent the playing of amplified music within the premises.
15. Members will note that other concerns have been expressed to the effect that the change of use would increase the nuisance value of the area which is already considered fragile and that the facility could potentially increase shop-lifting within local

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stores. I do not consider these issues to be relevant land-use planning issues which could be substantiated as overriding grounds of objection to the proposed change of use application. Moreover, I consider that the change of use application would bring currently unoccupied premises back into use which would, in my opinion, improve the overall streetscene and character of the local area. It should be noted that, contrary to the concerns raised in paragraph (10) that the facility could be used for a drugs and/or alcohol drop-in facility, the proposed facility would not have an alcohol and drug rehabilitation remit, instead simply provide full time education to those pupils not in a mainstream school as outlined above.

16. Concerns have been raised by the District Council regarding limited staff car parking at the facility. It is acknowledged that there are two allocated parking spaces associated with the premises which would be available for staff use. These parking spaces are accessed via a rear vehicle entrance to the premises and would be used for staff vehicles. It should however be borne in mind that the proposed facility is located close to the Town Centre, a short walk from the mainline Folkestone Central Railway Station and is well served by public transport. I therefore do not consider that parking would be a cause for concern given the proposed urban location and in any case note that on-street parking is available in the locality. The majority of pupils travelling to the facility would arrive by mini bus which is intended to drop-off students via the rear access to the premises. Cycle parking provision could be made available within ample internal space within the building itself should pupils and/or staff choose this mode of transport to access the facility. In light of the above and noting that KCC Highways and Transportation (paragraph 7) raise no objection to the proposal, I do not consider there to be any adverse highway impacts associated with the proposed change of use.
17. A concern regarding potential land contamination has been raised by the District Council within their consultee response. Given that the application proposes no substantive building works, other than minor internal changes (such as the provision of an additional toilet), or any ground disturbance, I consider that there is no reason to impose a planning condition requiring a ground contamination study to be undertaken.

Conclusion

18. In conclusion, I am satisfied that there are no overriding valid planning grounds of objection to the proposed change of use which could not be mitigated through the imposition of the conditions as set out in paragraph (19) below.

Recommendation

19. I RECOMMEND that PLANNING PERMISSION BE GRANTED for the Change of Use hereby applied for, SUBJECT TO conditions, including conditions to cover the following aspects:
- 5 year implementation period;
 - that the change of use hereby permitted shall only be that applied for;
 - no external changes to the appearance of the building;
 - the facility shall only be occupied during normal school hours and during term time only, and there shall be no use during evenings and weekends;
 - limit the number of students to a maximum of 20 in any one session; and
 - no amplified music shall be played within the premises.

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Case officer – Julian Moat	01622 696978
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Background documents - See section heading
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