

Application Number:	23/1798/FH
Location	Lower Works, Cherry Garden Lane, Folkestone, CT19 4AW
Application Description	Change of use of existing workshop to office (Use Class E(i)), erection of a single and two storey extension to the existing building together with other external alterations, the demolition of White Lodge, and associated landscaping works.
Applicant	Affinity Water Limited
Agent	Environment & Planning Service
Officer Contact:	Robert Allan

Recommendation

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. Reason for consideration by the Committee

- 1.1. The application is reported to Committee due to the objection raised by Folkestone Town Council.

2. Site and Surroundings

- 2.1 The application site is part of Affinity Water Limited's (AWL) site within the defined settlement boundary of Folkestone. The wider operational site comprises a number of buildings, storage areas and car parking. The application property is a single storey building surrounded by existing hardstanding. White Lodge is a detached two-storey property. To the north is woodland and scrub and the M20 beyond. To the west is further AWL land. To the east is the Premier Inn and Pub. To the south is Cherry Garden Lane, with residential properties.
- 2.2 The proposed block plan and elevations can be seen in figures 1, 2 and 3.

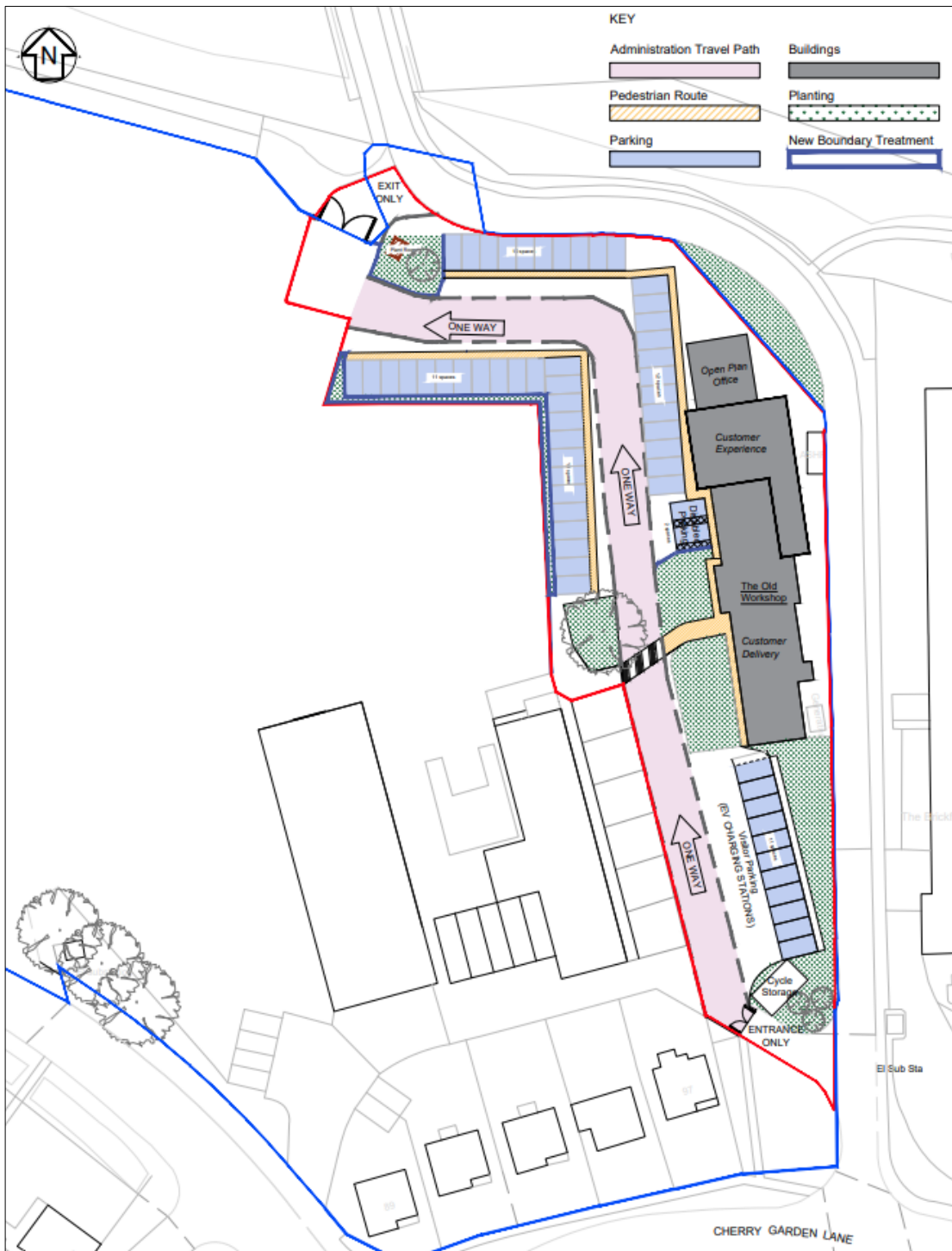


Figure 1: Proposed block plan



Figure 2: Proposed east and west elevations

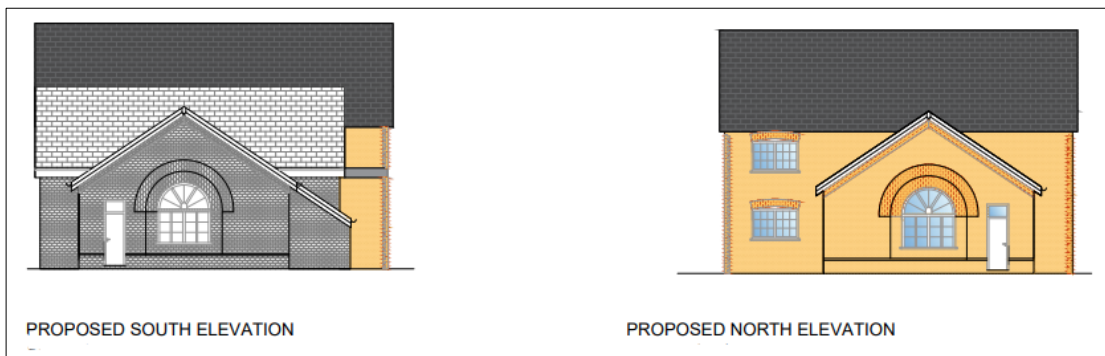


Figure 3: Proposed south and north elevations

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

3. Proposal

- 3.1. Full planning permission is sought for the change of use of the existing workshop to office (Use Class E(i)), erection of a single and two storey extension to the existing building together with other external alterations, the demolition of White Lodge, (a detached dwelling) and associated landscaping works.
- 3.2. The existing Affinity Water Limited offices off Shearway Road and the surrounding land has been allocated within the Place & Policies Local Plan (policy UA11) for the development of 70 dwellings, 3,500sqm of complementary Class B1a (office) commercial floorspace and an area of public open space. As such, AWL is relocating their office to their adjacent workshop and storage site off Cherry Garden Lane/Shearway Road, Folkestone.
- 3.3. The part two-storey, part single-storey extension would be to the north of the existing building, while another single storey extension would be to the east side. The total area of the existing building totals 357sqm, with the proposed extensions adding an additional 420sqm. The proposal includes the formalisation of a car park with designated car parking bays (46 spaces, 11 visitor spaces and 2 disabled bays). One residential building (Whit Lodge - owned by AWL) will be demolished to allow for sufficient car parking spaces and landscaping.
- 3.4. The following reports were submitted by the applicant in support of the proposals:

Supporting Statement

This document sets out the background to the planning application, describing the site and the proposed development, the need for the proposal, and identifying the various considerations. In respect of landscape and visual, it is concluded that the proposals will not result in any adverse landscape or visual impacts, while for heritage and archaeology, the likelihood of disturbing previously undisturbed archaeology is deemed low. For ecology and trees, no adverse impacts are anticipated, with flood risk and drainage setting out that the proposal does not require a flood risk assessment, with no significant effect upon surface water runoff, and that connections will be made to the existing drainage infrastructure. For highways & traffic, the documents set out that the proposed development is unlikely to have significant impact on the use of the local road network, with parking in line with Kent County Council's parking standards, resulting in no impact upon the local highway network and residents. Finally in respect to noise, it is stated that the change of use will not significantly increase noise levels above current levels on site.

The document also broadly reviews planning policy, setting out that the proposal accords with the National Planning Policy Framework paragraphs 11, 38 and 119, and also accords with the Core Strategy Review policy SS1 and Places and Policies Local Plan policies UA11, E2, T2, NE2 and NE3, before concluding that the proposal is in accordance with national and local planning policy.

Preliminary Ecology Appraisal (PEA)

This document contains a desk study, extended United Kingdom Habitat Classification (UKHab) survey and bat roost potential assessment in connection with the proposed development, with the purpose of identifying ecological constraints to the proposals, and to outline further survey and likely avoidance, mitigation and enhancement requirements including the potential to achieve biodiversity net gain. This concludes that the site is of low intrinsic ecological value, being dominated primarily by urban habitats including buildings, hardstanding, vegetated garden, ruderal/ephemeral and introduced shrub. Pockets of modified grassland were also on site as well as mixed scrub, mature trees and one native hedgerow. The appraisal identified a high potential for roosting bats in two buildings and a moderate potential for foraging and commuting bats, requiring further surveys to support the planning application. It also contained recommendations regarding mitigation measures for foraging and commuting bats, nesting birds, recommendations that the hedgerow, mixed scrub and trees on site are retained, and mitigation measures to avoid noise impacts on the habitat of principal importance (HPI) deciduous woodland.

Bat Activity Surveys

This document was produced in response to the findings of the PEA, with three bat emergence surveys carried out on the two high-potential buildings. No bats were recorded emerging from the buildings and a low level of bat activity was recorded over the survey period, although bats were observed flying along the tree line north of the site. The report concludes that the buildings are unlikely to support bats for roosting or shelter, with no impacts predicted on bats, their roosts or places of shelter via the proposed works. Standard precautionary measures are outlined.

4. Relevant Planning History

- 4.1. There is planning history associated with a telecommunications mast, but this is not considered relevant to the consideration of the application.

5. Consultation

Ward Members: Councillor Mike Blakemore, Councillor Polly Blakemore and Councillor Rebecca Shoob are the ward members for Cheriton Ward and are all members of the Planning & Licensing Committee.

- 5.1 The key consultation responses are summarised below.

Consultees

Folkestone Town Council: Object – concerns raised regarding the loss of dwelling.

KCC Highways & Transportation: No objection subject to conditions.

KCC Ecological Advice Service: No objection subject to condition

KCC Archaeology: No objection subject to condition

Environmental Health: No objection subject to condition

Public/Neighbour Consultation

- 5.2 9 neighbours directly consulted. 2 letters of objection, 0 letters of support received and 0 letters neither supporting nor objecting to the application.

- 5.3 I have read all the correspondence received. The key issues are summarised below:

Objections

- White Lodge not consulted. **[CPO comment – this consultation was carried out]**
- Building should be considered a non-designated heritage asset
- Undisturbed archaeology should be given greater consideration
- Increased traffic, insufficient parking, no bus stop
- Does not comply with policy T2 regarding EV provision
- No cycle storage provision
- Harm to a non-designated asset
- Building recording should be required
- Opening hours are relevant

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

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. Planning Policy

6.1 The Development Plan comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020).

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

- UA11 Affinity Water, Shearway Road, Cheriton
- HB1 Quality Places Through Design
- HB8 Alterations & Extensions to Buildings
- T2 Parking Standards
- T5 Cycle Parking
- NE2 Biodiversity
- HE1 Heritage Assets

Core Strategy Local Plan (2013)

- SS1 District Spatial Strategy
- SS3 Place-Shaping & Sustainable Settlements Strategy

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

Government Advice

National Planning Policy Framework (NPPF) 2023

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 are relevant to this application:-

Paragraph:

11	Presumption in favour of sustainable development
47	Applications determined in accordance with the development plan
60	Delivering a sufficient supply of homes
85	Building a strong, competitive economy
115	Highway safety
123	Making effective use of land
127	Making effective use of land – positive approach
131	Achieving well-designed and beautiful places
135	Achieving well-designed and beautiful places
180	Conserving and enhancing the natural environment
182	Conserving and enhancing the natural environment – designated landscapes
186	Habitats and biodiversity
203	Conserving and enhancing the historic environment – proposals affecting heritage assets
209	Conserving and enhancing the historic environment – considering potential impacts

National Planning Policy Guidance (NPPG)

7. Appraisal

7.1 In light of the above the main issues for consideration are:

- a) Is the Principle of development is acceptable?
- b) Is the development is acceptable on visual impact grounds?
- c) Would the proposal would harm neighbour amenity?
- d) Would the proposals result in harm to Highway safety?
- e) What are the ecological considerations associated with the proposal?
- f) Non-designated heritage asset considerations.

a) Is the principle of development acceptable?

- 7.2 The application site is undesignated in the local plan, but the loss of a dwelling (White Lodge) forms part of the proposal. As the existing Affinity Water Limited site is included within the Places and Policies Local Plan in policy UA11 as an allocated housing and commercial site, the rationalisation of their existing uses onto the application site, as set out in the preamble to the policy, will enable the allocated site to be freed up and come forward. Consequently, the net benefit of around 70 dwellings and 3,500sqm of office space is considered to hold significant weight over the loss of a single dwelling. In this regard, there is no adopted policy that resists the loss of residential uses and the NPPF at paragraph 127 encourages Local planning authorities to take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.
- 7.3 The views of Folkestone Town Council are noted, but as there are no Local Plan Policies regarding the retention of residential dwellings and the dwelling could also be demolished following the Prior Approval route, having first notified the LPA with regard to the method of demolition and any proposed restoration of the site, it is considered that it would be unreasonable to refuse the application on grounds that it would result in the loss of a residential dwelling, especially given the net gain in dwellings that would be facilitated through allowing the aims of policy UA11 to be brought forward. .

b) Is the development acceptable on visual impact grounds?

- 7.4 The application site is not located within any designated landscape areas and is set back from the roadway. The Kent Downs National Landscape (AONB) is located approximately 180m north of the Site, with the M20 and Channel Tunnel Terminal located between the application site and AONB. The site is also within an existing commercial land use area, with extensive areas of hardstanding, chain-link fencing, and open storage.
- 7.5 Although significant areas of car parking are proposed, this is on existing open hard standing and the proposed block plan shows planting and a revised boundary treatment, full details of which can be secured via condition should Members be minded to permit.
- 7.6 The extension has been designed to complement the Victorian/Edwardian architecture of the existing building, as well as its scale and proportions, and is an acceptable extension that would not be detrimental to the character of the area. The consideration of impact upon the non-designated heritage asset is set out under the relevant section below.

- 7.7 The loss of the existing property to the north of the site is not considered likely to be of detriment to the character of the area, which is one of a commercial access road, set in the lea of the motorway and channel tunnel infrastructure.
- 7.8 Overall, the proposed development is deemed to have no impact on the setting of the Kent Downs National Landscape (AONB) and would have no detrimental impact upon the character or appearance of the building or the street scene, in accordance with PPLP policy HB1 and NPPF paragraphs 135 and 182.

c) Would the proposal would harm neighbour amenity?

- 7.9 The site is already used as a workshop / storage area and is proposed to change to office use. The access road is not being relocated and traffic from the existing office area to the southwest would instead arrive at this site, so there would be no net change in vehicle movements / noise. There would be no detrimental impact upon neighbouring uses because of any overlooking, loss of light, or overbearing/enclosing presence. Overall, there would be no likely detrimental impact upon amenity in accordance with PPLP policy HB1 and NPPF paragraph 135.

d) Would the proposal result in harm to Highway Safety?

- 7.10 KCC Highways & Transportation have reviewed the proposal and as the proposals provide adequate car parking for the proposed office development and utilise an existing access point onto Cherry Garden Lane which is capable of accommodating the proposed development, there are no objections, subject to submission of a construction management plan, retention of the parking spaces, provision of cycle storage, access details being completed and maintained, and EV chargers, all of which can be secured via condition. In this regard the scheme is compliant with PPLP policies T2 and T5.

e) What are the ecological considerations associated with this proposal?

- 7.11 An existing hedgerow on site is proposed to be removed as part of the development, but a new native hedgerow is to be planted along the eastern and northeastern perimeter, which is considered suitable mitigation/replacement. Measures to enhance the site for bats have also been included in the proposal and features detailed in the revised Biodiversity Enhancement Layout should be implemented and retained, which can be done via condition.

f) Non-designated heritage asset considerations

- 7.12 During the processing of the application and following discussion with KCC Heritage and Conservation, the buildings are considered to have a degree of significance meriting consideration in planning decisions because of their heritage interest. The Folkestone Waterworks Company was founded in 1848 and the heritage interest derives in part from the physical survival of buildings and, possibly other structures and landforms which may have archaeological interest in the form of physical remains above and below-ground, that are testimony to the important aspect of the history of Folkestone, where water was derived from wells and springs. The heritage interest derives, in part, from the evidential value of the surviving physical elements of this industrial and social history.
- 7.13 In line with paragraph 209 of the NPPF, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.14 In this regard, the re-use and conservation of the workshop building is welcomed, but a historic building record should be secured via condition of the building and the property, White Lodge. Groundworks at the site should be the subject of an archaeological watching brief to safeguard potential below-ground archaeological remains.
- 7.15 It is considered that the design of the proposed extensions, subject to materials, are in keeping with the character of the building and would have no detrimental impact upon its historic character or appearance.
- 7.16 The proposal also facilitates the wider development identified within policy UA11, with the preamble to this setting out that the long-term intention is to consolidate the existing offices, headquarters, depot and social club of Affinity Water Limited into one site, to enable a mixed commercial, residential and public open space development to come forward and overall, it is considered that the changes to the building and the loss of the existing dwelling are outweighed by the wider socio-economic gains that would arise from this development in association with other development.

Environmental Impact Assessment

- 7.17 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

7.18 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. There is no CIL requirement for this development.

Human Rights

7.19 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

7.20 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.

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

Working with the applicant

7.22 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. In this instance the proposal was considered acceptable following the receipt of additional information from the applicant.

8. CONCLUSION

- 8.1. The proposal is for the change of use of an existing workshop and store to offices, together with the erection of extensions and alterations. The loss of an existing dwelling through the demolition of White Lodge, and the alteration and extension of the non-designated heritage asset, are considered to be outweighed by the wider public benefits of facilitating the implementation of Places and Policies Local Plan policy UA11 for the mixed residential, commercial and public open space development on an adjacent site. All other material planning considerations relating to visual impact, neighbour amenity, highways, and ecology are considered to be acceptable and 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. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 23/1798/FH.

10. RECOMMENDATIONS

That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

That planning permission be refused/for the following reason(s):

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:
 - Proposed Site Plan 01-02
 - Proposed Ground Floor and Roof Plan 02-03

- Proposed Elevations 02-04
- Biodiversity Enhancement Layout 10-01

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.

3. Prior to the first use of the development hereby approved, the electric vehicle charging points as shown on the approved plan (01-02), to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection) or an alternative type which has been submitted to and approved in writing by the Local Planning Authority, shall be installed in the locations set out in the approved plans. The charging points shall be retained in working order in perpetuity.

Reason: In the interest of sustainable development and reducing carbon emissions.

4. Prior to the first use of the development hereby approved details of six secure, covered cycle parking spaces shall have been submitted to and approved in writing by the Local Planning Authority, made available and thereafter retained in association with the approved development at all times.

Reason: In the interest of encouraging alternative modes of transport to private motor vehicles and supporting healthy lifestyles.

5. The parking area shown on the submitted plan shall be provided and made available prior to the first use of the development hereby approved, shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

Reason: In the interests of highway safety and convenience.

6. The access details shown on the approved plan (01-02) shall be provided in full prior to the first use of the development hereby permitted and thereafter maintained.

Reason: In the interests of highway safety.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking and turning of vehicles of site operatives, construction vehicles and visitors.
- ii. loading and unloading of plant and materials, including timing of deliveries.
- iii. storage of plant and materials used in constructing the development.
- iv. routing of construction and delivery vehicles to / from the site.
- v. wheel washing facilities.
- vi. measures to control the emission of dust and dirt during construction.
- vii. temporary traffic management / signage.

Reason: In the interests of the amenities of the area and highway safety and convenience.

8. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted 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.

9. No development beyond the construction of foundations shall take place (unless specified to the contrary), until the relevant details set out below have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- (c) prior to installation - Details of rainwater goods, eaves, and fascia (including materials and finish),
- (d) details of all brick detailing (arches, quoins and all other brick detailing).
- (e) mortar colour(s)

Reason: Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

10.A) Prior to any development works the applicant (or their agents or successors in title) shall secure a programme of archaeological works via a Written Specification, which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall include a pre-commencement Historic Building Recording (Level 2) and archaeological led monitoring and recording during any ground intrusive works, including clearance and remediation. So that structural building works and groundworks are observed and archaeological information is recorded. The archaeological work shall be undertaken by an archaeologist approved by the Local Planning Authority and in accordance with the Written Specification.

B) The archaeological watching brief and historic building recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed Specification.

C) Within 6 months of the completion of the programme of archaeological works a Report shall be submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that the archaeological interest of the site that would be affected by the development is properly examined and recorded in accordance with local and national planning policy.

11. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure (including boundary treatment), hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

13. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs

of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

14. No development beyond the construction of foundations shall take place until details of a habitat establishment and management plan shall have been submitted to, and approved in writing by, the local planning authority. The approved details shall include details of how the features to be implemented as part of the Biodiversity Enhancement Layout (including a native hedgerow, two bat boxes and areas of wildflower meadow) will be established and managed for period of at least ten years.

Reason: In the interest of enhancing ecology and biodiversity.

15. The premises shall only be used for purposes within Use Class E(g)(i) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: In the interests of the amenities of the area.

Informatives:

1. The applicant is advised that, in connection with the details to be submitted pursuant to the approval of condition 10 above, the results of the watching brief and historic building recording, combined with the information from the submitted Archaeological Desk-Based Assessment should be combined into a single final report so that a copy can be lodged with the Kent Historic Environment Record for public benefit.