

Application No: 20/0765/FH

Location of Site: 1 Cherry Garden Avenue, Folkestone, CT19 5LB

Development: Erection of a 2 bedroom detached dwelling following the demolition of an existing dilapidated garage.

Applicant: Ms Shuxiang Wang

Agent: Guy Hollaway
The Tramway Stables, Rampart Road, Hythe, CT21 5BG

Officer Contact: Emma Hawthorne

SUMMARY

This report considers whether planning permission for the demolition of existing outbuilding structure and replacement with 2-bed dwelling within the curtilage of a Grade II listed property should be granted. The report assesses the principle of development and the net gain of one new dwellings in this locality, which lies within the defined, built up area of Folkestone. The report recommends that planning permission be granted, subject to conditions, as it is considered that the proposal is acceptable in principle, and the design and layout of the dwelling would be appropriate in the context of the Grade II listed building and surrounding environment. The amenities of existing and future occupants are safeguarded. Flood risk would not be a constraint, and matters such as ecology and arboriculture can be dealt with by way of planning conditions. There are no highway safety concerns as the proposal seeks to mitigate these through design. Therefore, the proposal is considered to be sustainable development in accordance with the development plan policies.

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. INTRODUCTION

1.1. The application is reported to Committee because Folkestone Town Council has objected to the proposal.

2. SITE AND SURROUNDINGS

2.1. Cherry Garden Farmhouse is located on the west side of Cherry Garden Avenue, close to its junction with Cheriton Road and about 2km west of the centre of Folkestone. The farmhouse is ancient, double fronted, timber framed house re-fronted in the c18th with a main roof range and four hipped roof ranges extending to the rear.

- 2.2. The outbuilding, to be demolished, is located to the south side of the main house and is a brick built former stable building with a Kent peg tile roof, which would appear to date from the C18th. Examination of historic mapping shows that the farmhouse and its outbuildings are the last remaining buildings associated with Broadmead Farmstead, which was once in open country and occupied a corner plot between Cherry Garden Road and Cheriton Road. The area has become more developed by the expansion of West Folkestone at the end of the C.19th, and the site is now within a substantially built up part of Folkestone and close to a busy road junction. Although curtilage listed, the building is separate from the listed farmhouse but linked to it by a high timber fence. At the southern end, the building abuts a block of flat roof garages belonging to Cherry Court.
- 2.3. A group TPO is located to the front boundary of the site.

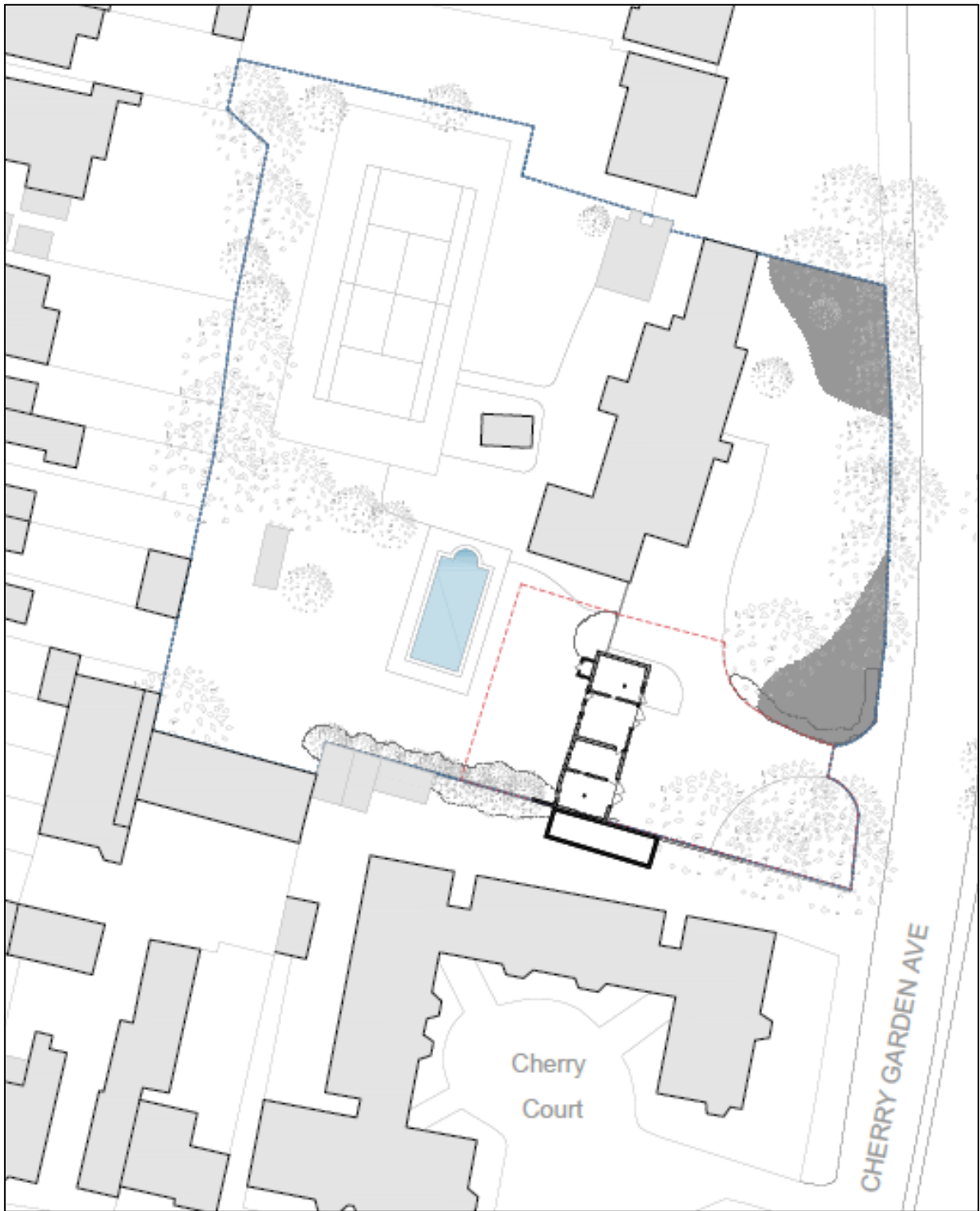


Fig1. Existing block plan



Fig2. Outbuilding prior to collapse



Fig3. Outbuilding prior to collapse

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

3. PROPOSAL

- 3.1 Full planning permission is sought for the demolition of existing outbuilding structure and its replacement with a two bed dwelling, within the curtilage of a Grade II listed property. The application is accompanied by the Listed Building application for the same works under 21/0926/FH.
- 3.2 The outbuilding proposed to be demolished, is a dilapidated barn. The walls are all red brick with a clay tile roof and timber doors and window frames. The barn has been in poor condition for a number of years, and due to strong winds and the continued deterioration of the building, the ancillary building collapsed (January 2021) with the gable ends and roof structure failing.
- 3.3 The proposed replacement dwelling on the site, would be of single storey, with traditional pitched roof. Barn doors would be incorporated to the principle elevation which would also include a large window. A small stable widow would also be kept in a similar position and another window marks the former edge of the large doors. The rear of the dwelling proposed two gable extensions that create a small external courtyard. The external materials proposed consist of Kent peg tiles to the roof, zinc cladding to the gable ends, and red brick to the façade.
- 3.4 The proposed dwelling would have one point of access for both pedestrians and vehicles with a moderate sized front garden and building frontage largely masked by trees from the road.



Fig4. Existing barn (pre collapse)

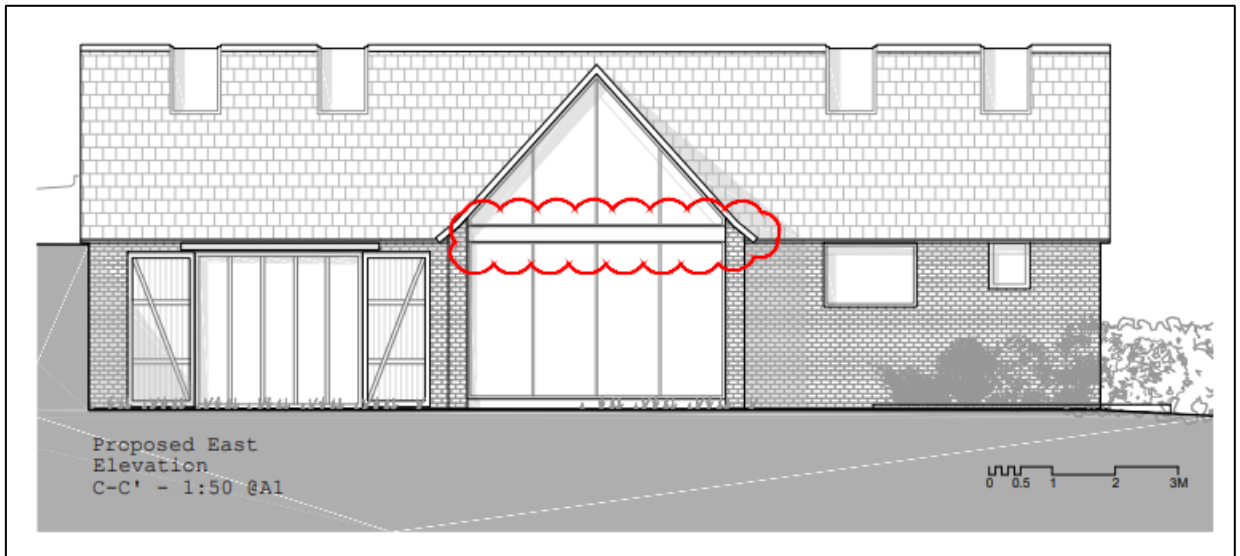


Fig5. Proposed dwelling front elevation (east)



Fig6. CGI of proposed, replacement dwelling from street scene



Fig7. CGI of proposed dwelling from front garden

3.5 The following reports were submitted by the applicant in support of the proposals:

Design and Access Statement

The Design and Access Statement discuss the key elements of the design and how this relates to the site and locality. The report states that the structural condition of the existing building following the collapse of the outbuilding in January 2021, means retaining any walls would be unpractical, however the street facing elevation aims to replicate as many features of the original facade as possible. Access to the site would be via the existing access point.

Heritage Statement

The Heritage Statement confirms that the significance of the grade II Broadmead primarily relates to its historic and architectural interest as a late medieval or early post medieval timber framed dwelling which was re-fronted and gentrified in the 18th century. The ancillary detached red brick building on the site appears to date from the late 18th century. It further states that while not listed in its own right this building would appear to be part of the listed building under Section 1(5)(b) of the Planning (Listed Building and Conservation Area) Act 1990, and is therefore classified as 'curtilage listed'. Section 4 of this report concludes that the collapse of the building and its subsequent removal would cause a low level of harm to the significance of Broadmead.

In summary, the Heritage Statement states that the proposed works to the ancillary building ('curtilage listed' as part of the grade II listed Broadmead) are considered to be proportionate and compliant with relevant policies contained within Section 16 of the NPPF and relevant local planning policy and guidance. There would be preservation for the purpose of the decision maker's duty under section 16 of the Act.

Demolition Method Statement

This demolition statement details the proposed demolition works that are to be carried out to the outbuilding / garage at the application site. A detailed list of works to the building are included and set out how the demolition of the outbuilding would be conducted. The report also confirmed that works will be carried out in such a way as to minimise the impact of that work and states the working hours proposed for demolition works.

Preliminary Ecological Appraisal

A Preliminary Ecological Appraisal of the site has been undertaken to determine the site's potential to support habitats and species of conservation concern. The report states that owing to the small and localised nature of the proposed development, it is unlikely that the proposed development will directly or indirectly affect any statutory designated sites or NERC s41 Habitats of Principal Importance (HPI). Habitats within the Site are common and widespread and no further botanical surveys are required.

The dilapidated garage (B1) is to be affected by the proposed development and has been assessed as having 'Low' suitability to support roosting bats. This is due to the presence of a feature that cannot be fully examined inside the western wall of the

building, due to the rubble and collapsed building. This feature should be examined by a bat licensed ecologist following the demolition of the remaining building to allow access

Suitable bird nesting habitat exists in the form of buildings and trees and should these habitats be affected by the proposed development, the application of timings and methods of best practice for breeding birds will be required. The report concludes that should at any point during the development a protected or notable species be identified within the site, then all works should stop, and the appointed ecologist consulted on the appropriate way to proceed.

4. RELEVANT PLANNING HISTORY

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

21/0926/FH	Listed Building Consent for the removal of existing outbuilding structure and replacement with 2bed dwelling within the curtilage of a Grade II listed property.	Recommended for approval with conditions
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5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council: Objection, the Committee now understand the important heritage of this building but also the state of disrepair it is in and felt that in the event this building could not be saved, as much of the original materials as possible should be used in rebuilding in the same footprint to a sympathetic design. Committee asked that a structural survey be carried out and expressed concern that no tree plan had been included in the application. Councillor Jonathan Graham maintained his comment of no objection.

Historic England: No comment.

KCC Ecology: No objection subject to conditions.

KCC Archaeology: No objection subject to condition.

Environmental Health: No objection subject to condition.

Southern Water: No objection subject to informative.

Arboricultural Officer: No objection subject to conditions.

Consultant Conservation Architect: On balance the proposed demolition of the barn could be considered to be acceptable, provided that the replacement building is constructed in accordance with the plans.

Local Residents Comments

5.2 Six (6) letters of objection received to the application.

5.3 I have read all of the letters received. The key issues are summarised below:

Objections

- Curtilage listed barn and its removal would cause significant harm to the setting and heritage if the listed farmhouse;
- Replacement dwelling not in keeping;
- No boundaries proposed;
- Barn is one of very few remaining examples in Folkestone agricultural history;
- Insufficient information that material is unusable;
- Damage looks a lot more than the alleged bad weather;
- Documentation should be submitted as historical record if allowed to be demolished;
- Loss of trees within the site;
- Overdevelopment of the site;
- Building should be restored.

5.4 **Ward Member:** No response.

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

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

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2013.

6.2 The Folkestone & Hythe District Core Strategy Review Submission Draft was submitted to the Secretary of State on 10 March 2020. Inspectors were appointed to examine the plan on 19th March 2020 and public hearings were held from 15th to 18th December 2020, from 5th to 12th January 2021 and from 29th June to 1st July 2021. The Inspectors wrote to the council on 1st July 2021 to state that the Core Strategy Review complies with the duty to cooperate and can be made 'sound' by amendment through main modifications. The Inspectors followed up their initial assessment by letter on 16th July 2021, stating that, subject to main modifications concerning detailed policy wording, they consider that the plan's spatial strategy and overall approach to

the district's character areas and settlements is sound. The Inspectors find that the housing requirement is justified and that the Core Strategy Review will provide an adequate supply of housing over the plan period and at least a five year supply of housing land at the point of adoption. In accordance with National Planning Policy Framework (2021) paragraph 48, the policies in the Core Strategy Review should therefore be afforded significant weight, having regard to the Inspectors' outline of main modifications required.

6.3 The relevant development plan policies are as follows:-

Places and Policies Local Plan (2020)

HB1 – Quality Places through Design
HB3 – Internal and External Space Standards
HB8 – Alterations and Extensions to buildings
T2 - Parking Standards
T5 – Cycle Parking
NE2 – Biodiversity
NE7 – Contaminated Land
CC2 – Sustainable design and construction
CC3 – Sustainable Drainage Systems
HE1 – Heritage Assets
HE2 – Archaeology

Shepway Local Plan Core Strategy (2013)

DSD – Delivering Sustainable Development
SS1 – District Spatial Strategy
SS2 – Housing and economy
SS3 – Sustainable settlements
CSD2 – District Residential Needs

Core Strategy Review Submission draft (2019)

DSD – Delivering Sustainable Development
SS1 – District Spatial Strategy
SS2 – Housing and economy
SS3 – Sustainable settlements
CSD2 – District Residential Needs

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

Government Advice

National Planning Policy Framework (NPPF) 2021

- 6.5 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.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 189 – 202 Proposals affecting heritage assets.

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

Historic Environment

National Design Guide October 2019

C1 - Understand and relate well to the site, its local and wider context

I2 - Well-designed, high quality and attractive

Paragraph 53 *'Well designed places are visually attractive and aim to delight their occupants and passers-by'*.

N3 - Support rich and varied biodiversity

7. APPRAISAL

In light of the above the main issue for consideration are:

- a) Principle of development and sustainability
- b) Design/layout/visual impact
- c) Impact on Grade II listed building
- d) Residential amenity of future occupants, including space standards
- e) Residential amenity
- f) Ecology and biodiversity
- g) Protected trees

- h) Contamination
- i) Drainage
- j) Highway safety
- k) Other matters

a) Principle of development and sustainability

7.1 The application site is situated within the built up area of Folkestone. Core Strategy policy SS3 seeks to permit new residential infill development within the established settlement hierarchy subject to material planning considerations, which is considered below in this report. The proposed development of additional housing in this location is therefore considered to be acceptable in principle. This is however, subject to specific criteria which are considered below.

b) Impact on the grade II listed building

7.2 The property the subject of the application is not listed in its own right. It is however within the curtilage of a listed building and is therefore considered to be curtilage listed, and a designated heritage asset. The NPPF, states that these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In relation to the determination of proposals that affect heritage assets, paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

7.3 Paragraph 201 of the NPPF goes on to say that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

- 7.4 In this case therefore, the impact of the loss of the curtilage building should be assessed, as well as the impact of the replacement building on the setting of the existing listed building.
- 7.5 Paragraphs 200 and 202 of the NPPF are specifically relevant to the consideration of this proposal and state that, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 continues to explain that, “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”
- 7.6 Policy HE1 of the Places and Policies Local Plan provides measures that seek to preserve listed buildings and which promote appropriate and viable uses of heritage assets, consistent with their conservation and significance.
- 7.7 As referenced within the list of details submitted in support of this application above, an up-to-date and detailed report on the condition of the building has been submitted in support of the application. This report was prepared following a site visit with the Councils Conservation Architect, together with planning enforcement officer on 15 February 2021. The conclusion of the report states that the collapsed outbuilding would need further significant dismantling prior to any reconstruction, whether this was for a simple reconstruction to its former state (for use as a barn structure) or for conversion to another use. It is noted that an assessment of the building had previously been completed around the time of the initial submission in July 2020. At this time the building was still standing with its roof in place. However, it was concluded to be in a poor condition at that time with holes in its roof, especially at the southern end and significantly distorted over the main entrance doorway on the East (front) side, which was due to over stressing of the doorway lintel. The brickwork was also in a poor state of repair, with a significant inward lean to the north gable end parapet wall and with many individual bricks eroded back significantly. Examination of the collapsed roof suggested that it dated back to the very late C.18th/early C.19th, a date consistent also with the nature of the exterior brickwork which is built of soft red Kentish bricks typical of the period.
- 7.8 It is accepted, given the above, that the condition of the building would require the major part of the external walls on the east (front), north (gable end) and west (garden) frontages to be demolished and rebuilt, so as to remove areas of unstable and distorted brickwork. Given the subservient status of the building as a farm building, it is likely that the existing foundations are not in accordance with modern standards and it is more than likely that the remnant walls would need underpinning prior to reconstruction. The Council’s Consultant Conservation Architect has advised that whilst it may be possible to retain some of the original structure, with half the existing walls needing to be removed, any partial rebuild of the existing structure would still result in any heritage value the original structure had being lost and in consideration of this, it is concluded that it would be more practical and reasonable to allow complete demolition and re-build in this case.
- 7.9 In light of this, and in consideration of the advice obtained from the Council’s Consultant Conservation Architect, it is considered that because of the dilapidated

state of the building, any proposal to conserve what is left of the structure and rebuild of it would be both unsympathetic and unrealistic, and a reconstruction, even to its previous form, would involve the complete removal of the standing structures to enable the construction of a replacement, replica building.

- 7.10 Paragraph 196 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Given the evidence submitted to the Council, which includes CCTV footage of the building collapsing in windy conditions, deliberate neglect (leading to collapse of the building) cannot be proven and it is not considered that there was deliberate neglect to the existing outbuilding over a number of few years.
- 7.11 Overall, in light of the above-mentioned policy requirements, and taking into account the findings of the Heritage Report and advice obtained from the Council's Consultant Conservation Architect, it is not considered desirable or sustainable to re-build the existing building given its current state of repair. In addition, it no longer makes a positive contribution to the site and wider street scene and can no longer be considered an asset to the local community. Rather, its current state renders the site untidy and rundown, which in itself has a negative impact on the locality, and in particular the setting of the listed farmhouse. As referred to in the design and appearance section below, the proposed replacement building used as a dwelling house would make a positive contribution to local character and distinctiveness and is a far more desirable option than to leave the site as it is and allowing the existing structure to fall further into disrepair.
- 7.12 Turning to the impact on the listed building, heritage assets may be affected by direct physical change or by change in their setting. In this case the proposed demolition of the existing barn/outbuilding and development of a new residential unit in its place has the potential to affect the setting of the listed host dwelling – Broadmead Farmhouse. As stated, the replacement dwelling proposed, in place of the barn, would share a similar footprint to that of the demolished outbuilding and is of a similar form – a long building, north-south with a narrow plan depth, with a steep pitched roof and occupying approximately the same footprint. This part of the building is proposed to be of approximately the same section but, within, contains an upper floor level contained within the steep tiled roof.
- 7.13 The plan form is, however, proposed to be extended out with a pair of wings projecting to the rear, either side of the central external courtyard area and projecting at the front to form a glazed gabled entrance feature facing out to the east towards the road. On the front, east side the architectural treatment consists of a central gable fully glazed and set within brick return walls, connecting back to the front of the main body of the building. At the rear, the centre glazed gable is set back on the line of the body of the building, with the two projecting gables pulled forward into the garden to contain a small central courtyard space. The western gable element is proposed to be mostly brick and the south-east is proposed to be half brick/with a glazed corner element with boarding above. All gabled roof elements would be covered in Kent peg tile, at the same pitch as the main roof, with a traditional version detail without barge boards and fascia. Given this design, the proposal is not considered to detract from the setting of Broadmead farmhouse, a grade II listed building.
- 7.14 Overall the proposal is considered appropriate in terms of the impact on the setting of the listed building, as the main north-south body of the new building is located on the footprint of the demolished outbuilding, and would be of similar height and with a similar

roof form. The plan arrangement of the proposal is also acceptable as there is a simple logic to the plan with a projecting element to the front and twin projections at the rear. The choice of material, which includes brick and plain tile, responds to the outbuilding to be lost, and also relates to the listed building further to the north.

- 7.15 The form of the proposed replacement building is a combination of the traditional and the modern. The overall form of the main body of the house references back to the barn/outbuilding and the materials are traditional brick and plain tile, but the detailing is modern with ridge level rooflights and fully glazed central gables. At the rear a mix of brickwork glass and cladding arranged in a contemporary fashion creates a more open informal relationship between the proposed house and its garden. The proposed use of materials is considered appropriate in this instance, referencing materials found within the wider street scene but also within Broadmead farmhouse itself, referencing the traditional fabric of the site and its surrounds. The proposed materials are not considered to detract from the setting of the listed building.
- 7.16 Notwithstanding the above, details of any proposed fencing/boundary treatment have not been provided, and therefore this would be required to be secured by way of a planning condition to ensure that the proposed fence materials at the front, the front gate and the fence linking the new build to the listed house and at the rear are in keeping and preserve the setting of the listed building.
- 7.17 For the reasons set out above, the proposed demolition of the existing outbuilding is considered to be acceptable. As paragraph 204 of the NPPF advises that local planning authorities 'should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred' any forthcoming planning permission would be conditioned such that the building must not be demolished prior to a contract for the construction of the replacement building being signed. Its replacement with a new dwelling would not be considered to cause harm to the special qualities of the Farmhouse, a Grade II listed building, or its setting, and therefore is considered to be appropriate development. The proposal is considered to accord with policy HE1 of the Local Plan (2020) and the aims of the NPPF (2021).

c) . Design/layout/visual impact

- 7.18 The proposal is for the complete demolition of the outbuilding, and the redevelopment of the site with a new 2 bedroomed house on the same site in the same position. Effort has been made to retain the structure in situ over the years however, the outbuilding unfortunately suffered irreparable damage during bad weather in January 2021 and as a result of this the roof of the building collapsed in on itself and the remaining structure of it lying as rubble within the external walls. The building is now essentially roof-less and the external walls are also in a distressed state with parts of the external walls having collapsed in with the roof and other parts of the building leaning outwards, particularly at the rear (garden) side. Full investigation into the feasibility of repair and rebuild has been given prior to the proposal subject of this current application being put forward and, as has been discussed in more detail above, the practicality of the work involved is such that any rebuild would not preserve its heritage value and it would not be reasonable to enforce this. In addition, the current state of repair of the existing outbuilding is such that it neither contributes positively to nor enhances the character and appearance of the site or wider street scene. The proposed new build would

improve the visual character of the site and sit more comfortably within the street scene.

- 7.19 The orientation of the building has been determined by the position of the existing barn and the external access, which points to both the front and rear of the building. The access at the rear of the building surrounds a small external courtyard which can be used as an external dining space with the ability to circulate throughout the ground floor.
- 7.20 The out building is subservient to the main dwelling and in terms of its bulk and massing, the proposed building envelope is similar to that of the existing outbuilding. The overall appearance of the proposed dwelling is also broadly similar to that of the existing outbuilding despite its differing end use, with the use of barn doors, timber fenestration, along with clay tiles and brickwork. The design approach and use of external materials are considered to be appropriate, setting the building appropriately in the context on the existing development within and around the site.
- 7.21 There is a variety of house types and built form in this area including detached, semi-detached and terraced dwellings with varying plot sizes and architectural styles. A four storey flatted development is also located immediately adjacent to the application site to the south. In this instance, the proposed dwelling would not be comparable in scale to this adjacent development and has the potential to be dwarfed by its large built form. However, the proposal has sought to take reference from the scale and massing of the host dwelling to the north as well as to mimic the scale and size of the original out building itself and to this end, it is considered acceptable. The proposed dwelling would reflect the scale and size of the majority of existing development in the immediate street scene. The proposal also aims to offer a degree of variance to the street scene through the use of a range of architectural features. In terms of the impact of the proposal on the character of the area, the site is of an appropriate size to accommodate one detached dwelling and is comparable in terms of scale, layout and spacing to most existing development in the surrounding area.
- 7.22 Overall, it is considered that the development can be appropriately accommodated on the site without appearing cramped or causing harm to the character and appearance of the surrounding area. The surrounding development in the area is characterised by irregular architectural styles and sizes. The design has therefore sought to reflect this through good design and high quality architecture. The proposal is considered to accord with policy HB1 of the Local Plan (2020), and section 12 of the NPPF.

d) Residential amenity of Future Occupants and Space Standards

- 7.23 With regard to future occupants of the proposed development, policies HB1 and HB3 of the PPLP (2020), the Kent Design Standards and paragraph 127 of the NPPF, require that consideration be given to their residential amenity and space standards.
- 7.24 The proposed layout would provide suitably sized rooms with adequate light as well as outlook to all habitable spaces. The internal floorspace of the proposed dwelling exceeds the minimum required by the national standard and all habitable rooms are served by full-size windows and would receive a good level of natural daylight.
- 7.25 The proposed dwelling would also benefit from a reasonable level of private outdoor amenity space for a family sized dwelling. Therefore it is considered that future occupants of the dwelling will have good access to outdoor space.

- 7.26 It is noted that the adjacent development to the south, a four storey flatted development, has a number of windows looking onto the site at a relatively close distance (approximately 7.5m). In terms of the potential for overlooking or loss of privacy for the proposed dwelling, given the application site forms part of the residential curtilage of the host dwelling, there is already a degree of mutual overlooking between parties. The proposed dwelling would not be any more affected by overlooking than the existing in this regard and as such, no objection is raised.
- 7.27 There are no objections to the proposed development in terms of standard of living and amenity protection for future occupants of the proposed dwelling.

e) Residential amenity

- 7.28 PPLP policy HB1 seeks to ensure that development does not lead to an adverse impact on the residential amenity of neighbours or the surrounding area, taking into account of loss of privacy, loss of light and poor outlook. In assessing the potential impacts of new build residential development on neighbouring dwellings, the Council will apply the same guidelines as for alterations and extensions set out in Policy HB8.
- 7.29 The proposed dwelling would be located adjacent to the rear boundaries of Cherry Court, a flatted development, and south of 1 Cherry Avenue. The internal layout of the building has been carefully designed so there are no upper floor windows facing directly north or south to neighbouring properties ensuring that the development does not result in an undue impact on the amenities enjoyed by neighbouring properties in terms of privacy and overlooking
- 7.30 There would be no significant overbearing impacts on neighbours of the site due to the space separation (approx. 7.5m) between the proposed dwelling and nearest surrounding/neighbouring properties. Further, there would be no significant loss of light due to the orientation and positioning of the dwelling within the application site.
- 7.31 Overall, considering the position, orientation and distance to neighbouring dwellings, the proposal would not harm the amenity of these occupiers and therefore the proposal accords with policy HB1 of the Local Plan (2020) and paragraph 127 of the NPPF.

f) Ecology and biodiversity

- 7.32 A Preliminary Ecological Appraisal has been submitted by the applicant. The appraisal confirms that there is no longer a roof to the building and the internal space is now open to the elements.
- 7.33 With regards to bats, it is concluded in the Preliminary Ecological Appraisal that there is potential for bats to roost within a cavity in one of the building walls. KCC Ecology have confirmed that the roof at the time of the application's original submission date provided opportunities for roosting bats, and therefore the loss of the roof will have resulted in a reduction in roosting opportunities for bats. A precautionary approach to the demolition works is recommended in the Preliminary Ecological Appraisal and KCC Ecology are satisfied that this is an appropriate course of action. They advise that the submission and implementation of a detailed method statement is secured by condition, if planning permission is granted. In addition, to ensure that the proposed

development does not result in a loss of roosting opportunities for bats, KCC Ecology advise that integrated bat roosting features are sought within the proposed development and the details can be secured by condition, if planning permission is granted. There is potential for external lighting to impact foraging and commuting bats and therefore the submission and implementation of a bat-sensitive lighting strategy would also be secured by condition, if planning permission is granted.

- 7.34 There is potential for nesting birds to use the building and surrounding vegetation, precautions to avoid / minimise the potential for impacts are recommended in the Preliminary Ecological Appraisal and should be incorporated into the biodiversity method statement, if planning permission is granted.
- 7.35 The potential for reptile presence in suitable habitat on the site is identified in the Preliminary Ecological Appraisal but measures to avoid / minimise impacts are not considered necessary in the report as the areas are “not to be affected by the proposed development”. KCC Ecology disagree with this conclusion as the submitted documents indicate changes to hard and soft landscaping around the building, and even if landscaping is not included within the application, KCC Ecology consider there to be a high likelihood of ‘tidying’ being undertaken that will impact the identified reptile habitats. Therefore, precautionary provisions for the protection of reptiles from harm are to be included in the biodiversity method statement, if planning permission is granted.
- 7.36 The potential for hedgehog presence in suitable habitat on the site is identified in the Preliminary Ecological Appraisal but measures to avoid / minimise impacts are not considered necessary in the report as “the proposed development is localised to the demolition...and construction”. Again, KCC Ecology disagree with this conclusion as the submitted documents indicate changes to hard and soft landscaping around the building, and even if landscaping is not included within the application, we consider there to be a high likelihood of ‘tidying’ being undertaken that will impact potential hedgehog habitat. It is also noted from photographs in the Preliminary Ecological Appraisal that suitable habitat appears to be present immediately adjacent to the building proposed for demolition. Therefore, KCC Ecology advise that precautionary provisions for the protection of hedgehogs from harm are included in the biodiversity method statement, if planning permission is granted.
- 7.37 One of the principles of the National Planning Policy Framework 2021 is that “opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity”. Therefore, a condition would be added to any permission granted which would seek to ensure that ecological enhancement measures are delivered within the proposals. Recommendations are provided in the Preliminary and the details can be secured by condition.
- 7.38 Subject to the above mentioned planning conditions, no objection is raised on ecological or biodiversity grounds in accordance with PPLP policy NE2

g) Protected trees

- 7.39 Whilst no trees are proposed to be removed as part of this development there are a number of larger trees that may be affected by the development. Whilst the Councils Arboricultural Officer has reviewed the submission and has no objections to the proposed development, it is recommended that a pre-development tree survey and

report should be submitted. The tree report will need to be undertaken in accordance with BS5837:2012 and contain a tree survey schedule, tree constraints plan, arboricultural impact assessment, arboricultural method statement and a tree protection plan. The tree survey will need to be submitted prior to the demolition of the existing garages in order for us to understand how the trees will be protected against this operation and this can be secured via a planning condition.

7.40 Overall, there are no known overriding arboricultural constraints which would prevent the proposed development from going ahead, subject to the conditions recommended above.

h) Contamination

7.41 Whilst, the application submission does not include any documents supporting land contamination information, it is not considered that the development will lead to the introduction of new classes of receptor and it is not considered necessary to require formal contamination assessment.

7.42 Given the current land use as a domestic garden with outbuilding, the recent history of the site is unlikely to be significantly contaminative, and it is considered prudent for some assessment of land contamination to be undertaken.

7.43 As such the council's standard land contamination would be applied to any consent granted. This requires a discovery and reporting strategy for any contamination encountered during the works.

i) Drainage

7.44 The site lies within Flood Zone 1, and therefore has a low probability of flooding. Therefore flood risk would not be considered a constraint to the proposed development.

7.45 Surface water and foul drainage from the dwelling is proposed to be discharged to the existing public combined sewer.

j) Highway safety

7.46 The site has an existing access point from Cherry Garden Avenue, which serves both vehicles and pedestrians. The access is to be retained as existing, and would serve both 1 Cherry Garden Avenue as well as the proposed dwelling. Therefore, the proposal represents an intensification in use of the access. Suitable visibility splays have been provided to demonstrate a safe access. Given this, the number of additional vehicle movements generated as a result of the proposed development would not be significant to the extent it would be considered harmful to highway safety along the adjacent highway.

7.47 With regard to vehicle parking, the standards as adopted within the Folkestone and Hythe Places and Policies document require 1 and 2 bedroom dwellings to have 1 space per unit in a suburban setting. 1 parking space is proposed within the site, whilst ensuring that the existing parking provision for 1 Cherry garden Avenue remains. Therefore, the proposal has sufficient parking provision onsite.

- 7.48 Cycle storage will be incorporated on plot and would be secured by way of a planning condition.
- 7.49 Overall, it is concluded that the proposal would not give rise to unacceptable impacts in highway safety terms as the level of trips generated by the additional dwelling in this location would not be so significant to justify refusal. The application site is located within a residential area with comings and goings in the area generally associated with a residential use.

k) Other matters

- 7.50 Bins for the dwelling will also be incorporate on plot and would be secured by way of a planning condition. These should be located behind landscaping to ensure they are screened from the streetscene and do not appear as a dominant feature within the site. With regards to weekly refuse / recycling collection, this (as existing) would take place on street.
- 7.51 All other materials considerations raised through the public consultation process are considered to have been addressed in the sections above.

Environmental Impact Assessment

- 7.52 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

- 7.53 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.
- 7.54 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. The CIL levy in the application area (zone B) is charged at £59.04 per square metre for new residential floor space.

Human Rights

- 7.55 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

7.56 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.

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

Working with the applicant

7.58 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 seeks planning permission for the demolition of an existing outbuilding structure and replacement with 2-bed dwelling within the curtilage of a Grade II listed property. While objections to the proposals are noted the scheme is considered to be acceptable in terms of scale, design, impacts on the significance of the outbuilding as a designated heritage asset and the harm to the special qualities of the Farmhouse, a Grade II listed building, or its setting as well as in regards to amenity impacts, highway safety and convenience, ecology and site drainage. Further, there have been no objections from any statutory consultees.

8.2 In light of the above, it is considered that the proposal accords with the adopted Development Plan subject to appropriate conditions. As such it is recommended that planning permission be granted, subject to the conditions set out below (subject to the Chief Planning Officer's delegated authority to agree and finalise the wording of the conditions and add any other conditions that he considers necessary).

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 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.

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 details shown on the submitted plans;

Drawing no. 001 P00, Drawing no. 020 P02, Drawing no. 021 P02, Drawing no. 022 P01, Drawing no. 030 P01, Drawing no. 050 P02, Design and Access Statement, Heritage Statement, ref 5144B and Preliminary Ecological Appraisal.

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of the Local Plan.

3. The development hereby approved shall be carried out in complete accordance with the details of materials as specified in the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the special qualities of the Listed Building are preserved.

4. Notwithstanding condition 3 above, samples of the brick, tiles and cladding to be used are to be submitted to the Local Planning Authority for written approval prior to the commencement of any work above slab level. The development shall be carried out in full accordance with the details approved. The brickwork to be laid shall be Flemish bond.

Reason: In the interests of the special qualities of the Listed Building.

5. Notwithstanding condition 3 and 4 above, a sample panel of the brickwork and pointing technique to be used in the dwelling hereby approved shall be constructed on site and approved in writing by the Local Planning Authority prior to the commencement of that element of the works beginning. The development shall be carried out in full accordance with the details approved. The brickwork to be laid shall be Flemish bond.

Reason: In the interests of the special qualities of the Listed Building.

6. Notwithstanding condition 3 above, details of the following shall be submitted to the Local Planning Authority for written approval prior to the commencement of any work above slab level. The development shall be carried out in full accordance with the details approved.

Details of construction of eaves/verges/ridges – scale 1:5 or 1:10
Details of windows and doors – scale 1:1 or 1:2 and 1:5 or 1:10
Details of rainwater goods and downpipes
Details of rooflights and their junction with the roof tiling
Details of vents and outlets
Details of all hard surfacing, fencing and railings.

Reason: In the interests of the special qualities of the Listed Building.

7. No construction work above slab level shall take place until full details of soft landscape works, have been submitted to the local planning authority including planting, an implementation programme and a maintenance schedule. The dwelling shall not be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason: In order to protect and enhance the appearance of the site, streetscene and wider area.

8. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The building recording should be to Historic England Level 3.

Reason: To ensure that historic building features are properly examined and recorded.

9. Construction shall not commence until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving the new dwellinghouse will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator.

The new dwellinghouse hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that the development has achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Reason: To require all new dwellings to incorporate water efficiency measures as Shepway is identified as a water scarcity area.

10. 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 District Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors

- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities
- v. measures to control the emission of dust and dirt during construction
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

11. Prior to the commencement of development (including demolition works and site clearance), a Tree survey and report shall be submitted to the Local Planning Authority for written approval. The tree report shall be undertaken in accordance with BS5837:2012 and contain a tree survey schedule, tree constraints plan, arboricultural impact assessment, arboricultural method statement and a tree protection plan. The works shall thereafter be carried out in full accordance with the details agreed under this condition.

Reason: To ensure the long term health and retention of the trees within the site.

12. No development will take place (including any ground works, site or vegetation clearance), until a method statement for the protection of bats and their roosts, reptiles, nesting birds and hedgehogs during site clearance and construction works has been submitted to and approved in writing by the local planning authority. The content of the method statement will include:
- a) Purpose and objectives for the proposed methods.
 - b) Working method, including timings, necessary to achieve stated objectives.
 - c) Extent and location of all features with potential ecological interest shown on appropriate scale plans.
 - d) Provision for species rescue.
 - e) Persons responsible for implementing works, including times during site clearance / construction when specialist ecologists need to be present on site to undertake / oversee works.
 - f) 'Toolbox talk' information regarding protected species encounters that will be provided to contractors prior to works commencing.

The works shall be carried out in accordance with the approved details.

Reason: In the interest of minimising potential for harm to protected species.

13. No development will take place (including any ground works, site or vegetation clearance), until specifications and locations of integrated bat roosting provision within the building have been submitted to and approved in writing by the local planning authority. The approved details will be implemented and thereafter retained.

Note that this is pre-commencement as it secures the installation of bat boxes that are integrated into the buildings so must be incorporated to the plans at the earliest opportunity.

Reason: In the interest of minimising potential for harm to protected species.

14. Prior to first occupation of the development hereby permitted, a “lighting design strategy for biodiversity” for the site will be submitted to and approved in writing by the local planning authority. The lighting strategy will:

- a) Identify those areas/features on site that, due to their potential for use by bats, are particularly sensitive to lighting impacts (including any biodiversity enhancement features)
- b) Show how and where external lighting will be installed in accordance with ‘Guidance Note 8 Bats and Artificial Lighting’ (Bat Conservation Trust and Institute of Lighting Professionals)

All external lighting will be installed in accordance with the specifications and locations set out in the strategy and will be maintained thereafter in accordance with the strategy.

In the interest of minimising potential for harm to protected species.

Reason: In the interest of minimising potential for harm to protected species.

15. Prior to the commencement of development hereby approved, details of cycle parking storage space within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage space shall thereafter be laid out within the site prior to first occupation of the dwelling, and shall be retained as such thereafter.

Reason: To ensure that facilities are available for the parking of bicycles so as to encourage access to the site by means other than private motor car in accordance with policy T5 of the Local Plan.

16. Prior to the commencement of development hereby approved, details of bin stores within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be fully implemented prior to the first occupation of the dwelling hereby permitted and shall thereafter be retained and maintained.

Reason: To ensure adequate means of refuse collection in the interests of the amenities of residents in accordance with the Development Plan.

17. Prior to the first occupation of the dwelling hereby permitted one electric vehicle charging point shall be provided, in accordance with specifications and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

Following installation the charging points shall thereafter be retained available in a working order by the respective owners / individual or company responsible for long term governance.

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

18. The car parking spaces shown on the approved drawings 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; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: To ensure the permanent retention of the space for parking purposes within the curtilage of the site in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties in accordance with the Development Plan.

19. In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To protect the environment and human health against contamination and pollution, in accordance with Places and Policies Local Plan policy NE7 and the NPPF (2021).

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A, B, C, D, E and F of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future development.

Informatives:

1. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3. Your attention is drawn to the requirements of the Building Regulations 2000 and the possibility of the need to obtain consent under such regulations.

Prior to implementing this permission, you should seek advice from Building Control as to whether or not to make an application. Advice and application forms are available from the Civic Centre, Folkestone (telephone numbers 01303 853538). Alternatively another building control body may be able to assist.

4. Please view the Considerate Constructors Scheme at <http://www.ccscheme.org.uk/index.php/company-registration/how-to-be-veryconsiderate/company-code-of-considerate-practice>.
5. With regards to condition 9 above, water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/the-water-efficiency-calculator-for-new-dwellings>.

Appendix 1 – Site Location Plan