

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 an existing outbuilding structure and replacement with a 2-bed dwelling within the curtilage of a Grade II listed property should be granted. The report assesses the principle of development, which lies within the defined, built up area of Folkestone, the heritage impact and other material planning considerations. 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. 1 Cherry Garden Avenue, also known as Broadmead 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 an 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, proposed 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 countryside 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 outbuilding 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.

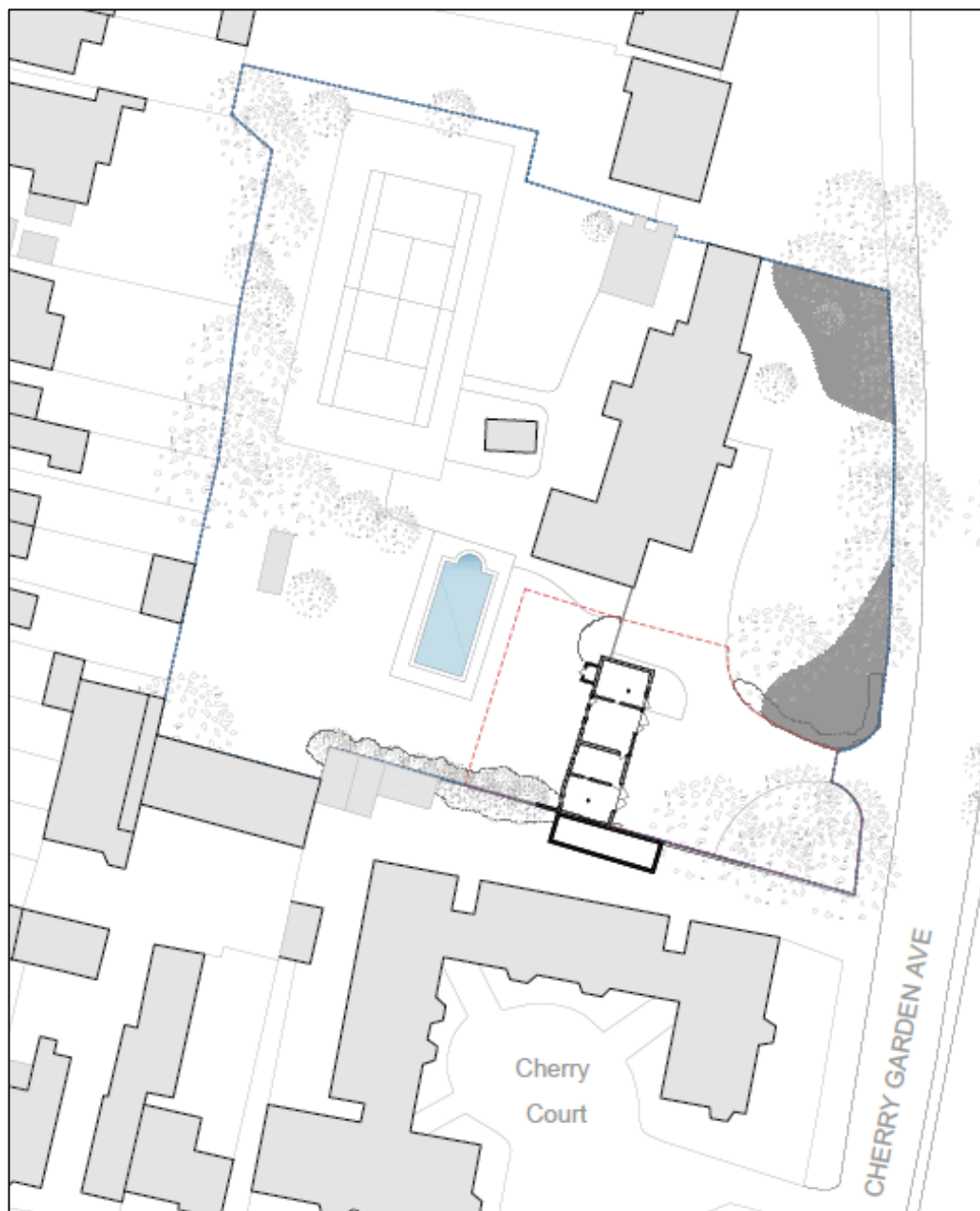


Fig1. Existing block plan



Fig2. Photograph of existing outbuilding



Fig3. Photograph of existing outbuilding

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 the 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 a Listed Building Consent application for the same works under 21/0926/FH.

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- 3.2 The outbuilding proposed to be demolished, is a barn in a poor state of repair. 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 applicant advises that the ancillary building largely collapsed (January 2021) with the gable ends and roof structure failing.
- 3.3 The proposed replacement dwelling on the site, would be single storey with rooms in the traditional pitched roof. Four rooflights are proposed to straddle the ridge of the roof. Barn doors would be incorporated into the principle elevation which would also include a large window. A small stable window is also proposed where one existed in the original building and another window marks the former edge of the large doors. Two gable extensions are proposed on the rear elevation which would create a small external courtyard, either side of a centre glazed gable set back on the roof line. 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. The building frontage would be largely masked by trees from the road.

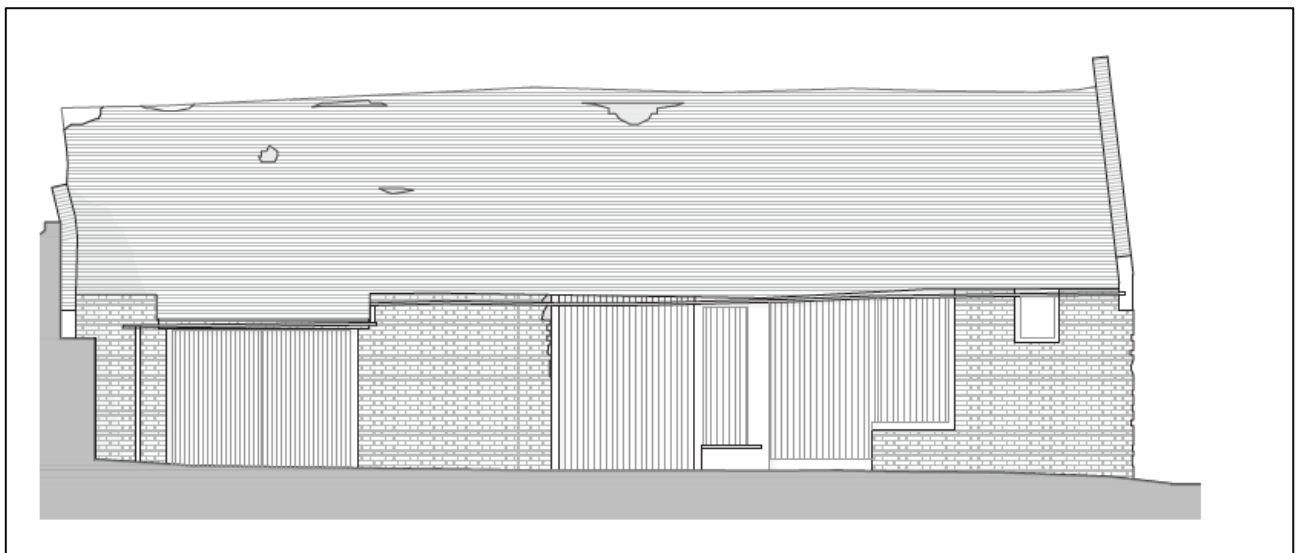


Fig4. Existing barn (pre collapse)



Fig5. Proposed dwelling front elevation (east)



Fig6. CGI of proposed, replacement dwelling from street scene (east elevation)



Fig7. Proposed site plan

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

Design and Access Statement

The Design and Access Statement discusses 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.

It states that the main house derives its significance from a combination of its architectural, historic and archaeological interest as a "robust multiphase and illustrative farmhouse". In terms of the ancillary building, it states that it is of some limited historic interest in its own right due to association with the historic farmstead and as a result of its surviving historic fabric. Architectural interest in the building, it states, prior to its collapse, was limited as a result of the high levels of alterations, but resulted from the building's general aesthetics, its ancillary agricultural form and

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appearance and the use of local established material in a vernacular character. However, the collapse of the building leaving limited upstanding remains, has significantly eroded the architectural values of the building.

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.

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.	Current application due for consideration on the same agenda as this
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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.

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: No objection as 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 Seven (7) letters of objection received to the application.

5.3 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;

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- 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.

New Folkestone Society made the following objection:

- This curtilage-listed building was neglected, and the owner is taking advantage of its demise. The 18th century barn should be made safe and retained. A comprehensive restoration should be possible.
- This is a complete rebuild, rather than a restoration of a heritage building.
- In principle, the original building will disappear – it is being removed to be replaced with the ridge height raised, which does not respect the form of the existing building.

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 Review 2022. (The Folkestone and Hythe District Core Strategy Review was adopted by Council on 30 March 2022. There is a period of six weeks during which any person aggrieved by the adoption may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004. This period will elapse on 11 May 2022).

6.2 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

Core Strategy Review 2022

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

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

Government Advice

National Planning Policy Framework (NPPF) 2021

6.4 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
- b) Heritage Impact
- c) Design/layout/visual impact
- d) 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

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 other material planning considerations, which are considered below in this report. The proposed development of an additional house in this location is therefore considered to be acceptable in principle, subject to other material considerations which are considered below.

b) Heritage Impact

7.2 The outbuilding the subject of the application is not listed in its own right. It is however, within the curtilage of 1 Cherry Garden Avenue (formerly Broadmead), which is Grade

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It is listed, and is therefore considered to be curtilage listed, and a designated heritage asset. Curtilage listing is criteria-based and does not reflect on any qualitative considerations (i.e. historic interest or character etc) and does not necessarily reflect inherent special interest. It is however relevant in terms of how the structures are dealt with procedurally in terms of planning and development management. Essentially they are assessed as part of the listed building.

7.3 The way in which decisions which affect listed buildings and conservation areas are to be approached is determined by legislation and planning policy. At the local level, PPLP Policy HE1 supports proposals that provide, where possible, a viable use that assists in social and economic regeneration and ensures the long term protection, conservation and where appropriate, the enhancement of heritage assets in line with Government legislation.

7.4 The Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving a listed building and its setting when making planning decisions. In order to do this, the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, taking account of the available evidence and any necessary expertise.

7.5 The NPPF defines the significance of a heritage asset as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest. The setting of a heritage asset can contribute to its significance. Setting is defined in the NPPF as;

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

7.6 The NPPF requires the impact on the significance of the designated heritage asset to be considered in terms of either “substantial harm” or “less than substantial harm” as described within paragraphs 195 and 196 of that document. The National Planning

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Practice Guidance (NPPG) states that whether a proposal causes substantial harm will be a judgement for the decision maker, but it also makes it clear that substantial harm is a high test, and case law describes substantial harm in terms of an effect that would negate or drain away much of the significance of a heritage asset. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.

7.7 Paragraphs 195 and 196 of the NPPF refer to two different balancing exercises in which harm to significance, if any, is to be balanced with public benefit, and the NPPG makes it clear that some heritage-specific benefits can be public benefits. The NPPG also makes it clear that it is important to be explicit about the category of harm (that is, whether paragraphs 195 or 196 of the NPPF applies, if at all), and the extent of harm, when dealing with decisions affecting designated heritage assets, as follows:

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated”.

7.8 Paragraphs 193 and 194 of the NPPF state that great weight should be given to the conservation of a designated heritage asset when considering applications that affect its significance, irrespective of how substantial or otherwise, that harm might be.

7.9 Policy HE1 of the PPLP states that planning permission will be granted for proposals which promote an appropriate and viable use of heritage assets, consistent with their conservation and their significance, particularly where these bring at risk or under-used heritage assets back into use or improve public accessibility to the asset.

7.10 The Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2017) recognises that the protection of the setting of heritage assets need not prevent change. It also recognises that not all heritage assets are of equal importance and states that the contribution made by their setting to their significance will also vary.

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- 7.11 The Heritage Assessment submitted with the application has assessed the significance of both 1 Cherry Garden Avenue and the ancillary building the subject of the application, in accordance with the requirements of the NPPF and NPPG.
- 7.12 As stated in para 3.5 above, the Assessment states that the main house derives its significance from a combination of its architectural, historic and archaeological interest as a “robust multiphase and illustrative farmhouse”. In terms of the ancillary building, it states that it is of some limited historic interest in its own right due to association with the historic farmstead and as a result of its surviving historic fabric. Architectural interest in the building, it states, prior to its collapse, was limited as a result of the high levels of alterations, but resulted from the building’s general aesthetics, its ancillary agricultural form and appearance and the use of local established material in a vernacular character. However, the collapse of the building leaving limited upstanding remains, has significantly eroded the architectural value of the building.
- 7.13 Nonetheless, the Heritage Assessment concludes that when considered holistically, the building is not, in its own right, of any special interest. It states that instead, the building’s value is, to a large extent, borrowed from the main house and its contribution to its significance (both individually and as a group with the other surviving ancillary features) is largely by virtue of forming the residual part of a farmstead that has evolved much later than the original timber framed listed building. While its contribution to significance has been heavily affected by the building’s collapse, the structure better reveals the historic interest of the main house by providing tangible evidence as to the former farmstead.
- 7.14 In terms of the impact on the setting of the main house, the Assessment states that the considerable changes within its setting and curtilage have considerably altered the context of the site and have reduced the ability to appreciate the building’s former agricultural use. As such the building is now most readily appreciated as a historic residential building located within a domestic curtilage and a context of modern residential form. The Assessment concludes that as a result of its (albeit limited) contribution to the significance of the main house, it is acknowledged that the demolition of the building would result in a low level of less than substantial harm to the significance of the listed building. Due to the recent collapse of the building, this

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harm has, for the most part, already occurred. In terms of reinstatement, the Assessment concludes that the significantly deteriorated state of the building with limited upstanding remains and compromised structural stability means that its retention and restoration would not be possible without an entire reconstruction with large areas of modern fabric. Its replacement with an appropriate building on the site could outweigh the harm incurred by the collapse of the building.

7.15 In addressing the proposed replacement dwelling, the Assessment states that it is carefully scaled, sited and detailed, making use of retained materials wherever possible, and the high quality and carefully considered character of the replacement dwelling would ensure that, when considered holistically, the proposed development would preserve the significance of Broadmead as a whole.

7.16 The Council's Conservation Advisor has been consulted on the proposals and concurs with the Assessment submitted with the application in terms of the historic evaluation of the building the subject of the application. He also agrees that the condition of the building is such that any reconstruction of it would require the major part of the external walls to be demolished and rebuilt, and the remnant walls would need underpinning prior to reconstruction. He therefore considers that any proposal to conserve what is left of the structure and build off it would be 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.

7.17 In terms of the proposed replacement dwelling, he has assessed the design, as amended, and the relationship with 1 Cherry Garden Avenue. He considers the proposal to work well as the main body of the new house sits on the footprint of the demolished building, is of similar height with a similar roof form, and the choice of material also relates to the listed building. He does not consider it to detract from the setting of the listed building.

7.18 The advice from Historic England makes it clear that the setting of heritage assets need not prevent change, and recognises that not all heritage assets are of equal importance. The Heritage Assessment provides a thorough appraisal of the proposal against the relevant NPPF and NPPG tests, the outcome of which is also supported by the Council's Conservation Advisor. Having considered the proposal in light of the

advice, in my view, the proposal, when considered holistically, will not result in any harm to, or loss of significance of the Grade II listed building.

c) Design/layout/visual impact

- 7.19 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. The orientation of the building has been determined by the position of the existing barn and access to the street, which would serve both the new and the existing dwelling.
- 7.20 The proposed dwelling is also similar to the outbuilding in terms of scale, and its overall appearance, (as a result of amended drawings) is also broadly similar to that of the existing outbuilding, with the use of barn doors, timber fenestration, along with clay tiles and brickwork. The scheme now includes the complete removal of the glazed projecting gabled element from the front (east) elevation, as a result of the revised drawings. Therefore, the new building is considered to be very much of a similar appearance to the existing barn building – a simple long brick building with a steep Kent peg tile roof – gabled at each end, essentially appearing as a reconstruction of the former barn, as seen from the road. At the rear, there are two projecting wings, either side of a central external courtyard, with a centre glazed gable set back on the roof line. The rear elevation is not considered to be as sensitive as the front elevation and therefore the modern architectural treatment here is fully accepted by the Council's Conservation Advisor. The design approach and choice of external materials are considered to be of a high quality and entirely appropriate in terms of the relationship with the main house, and character of the area.
- 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 located immediately adjacent to the application site to the south, which creates a contrast in terms of scale with what is proposed here. In terms of built form however, the relationship between the flats and the proposed dwelling is no different to that between the flats and the existing outbuilding. Whilst of considerably smaller scale compared to the flats, the proposed dwelling takes its reference from the existing building on the site, and is more reflective of development elsewhere in Cherry Garden Avenue, and it is in this context that the dwelling will be considered in the street scene. In terms of the impact of the proposal on the character of the area, the site is

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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 In conclusion, it is considered that the proposal is a high quality design which will add an interesting element to a street which is already characterised by a variety of architectural styles and plot sizes. The proposed house can be appropriately accommodated on the site and it is therefore considered to accord with policy HB1 of the Local Plan (2020), and section 12 of the NPPF.

d) 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 would 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 however, there are no windows proposed in the side elevation of the new dwelling. Furthermore, the design of the dwelling, with the two projecting wings on the rear elevation, allows for a private courtyard space between the gables, that will not be overlooked. This is a clever way of providing private amenity space, given the proximity of the large flatted block to the south.

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7.27 As such, the proposed development is considered to be acceptable in respect of the 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 Garden Avenue. The internal layout of the building has been carefully designed so there are no windows facing directly north or south to neighbouring properties ensuring that the development does not result in an impact on the amenities enjoyed by neighbouring properties in terms of privacy and overlooking

7.30 Whilst the proposed dwelling is immediately adjacent to the southern boundary with Cherry Court, this is no different to the existing outbuilding. Furthermore, there is a vehicular access to Cherry Court and parking, immediately to the south of the boundary, so there is already likely to be an element of noise and disturbance for the occupiers, particularly of the ground floor accommodation. The distance between the proposed dwelling and 1 Cherry Garden Avenue is considered acceptable, and there would be no 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

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- 7.32 A Preliminary Ecological Appraisal (PEA) 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 The PEA assessed the potential for the presence of bats, nesting birds, reptiles and hedgehogs within the site. With regards to 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 KCC Ecology also recommend that the Biodiversity Method Statement should also incorporate precautions to avoid / minimise the potential for impacts on nesting birds, reptiles and hedgehogs.
- 7.35 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 is recommended should Members be minded to grant planning permission which would seek to ensure that ecological enhancement measures are delivered within the proposals. Recommendations are provided in the Preliminary Ecological Appraisal and the details can be secured by condition.
- 7.36 As such, the proposal is considered to be acceptable in terms of ecology and biodiversity in accordance with PPLP policy NE2

g) Trees

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7.37 There are a number of larger trees surrounding the site but none are proposed to be removed as a result of the proposed development. The Councils' Arboricultural Officer has no objections to the proposed development, but it is recommended that a pre-development tree survey and report should be submitted to protect trees of good arboricultural value in the long term.

7.38 Subject to the proposed conditions recommended above, the proposal would not result in unacceptable harm to any trees within or surrounding the site.

h) Contamination

7.39 Given the current land use as a domestic garden with outbuilding, the site is unlikely to be contaminated. There is no requirement therefore to impose a condition regarding contamination.

i) Drainage

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

7.41 Surface water and foul drainage from the dwelling is proposed to be discharged to the existing public combined sewer, which is considered to be acceptable in this instance.

j) Highway safety

7.42 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 a minor intensification in use of the access. Suitable visibility splays have been provided to demonstrate that the access would be safe to serve the additional dwelling and the existing dwelling. . 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.

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7.43 With regard to vehicle parking, the standards as adopted within the PPLP 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.

7.44 Cycle storage would be incorporated on site and would be secured by way of a planning condition.

7.45 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 significant.

k) Other matters

7.46 Refuse bins for the proposed dwelling would also be incorporated on site and would be secured by way of a planning condition.

Environmental Impact Assessment

7.47 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

7.48 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.

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7.49 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

7.50 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

7.51 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.

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

Working with the applicant

7.53 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 design and impact on the significance of the heritage assets as well as in regards to amenity impacts, highway safety and convenience, ecology and site drainage.

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:

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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 P03, Drawing no. 021 P03, Drawing no. 022 P01, Drawing no. 030 P02, Drawing no. 050 P03, 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 previously 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

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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

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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

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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 shall 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.

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13. No development shall 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.

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 first occupation of the development hereby permitted, 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

16. Prior to the first occupation of the development hereby approved, details of bin stores within the site shall be submitted to and approved in writing by the Local

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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. 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

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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

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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-waterefficiency-calculator-for-new-dwellings>.