

DCL/23/13

Application No:	23/0536/FH
Location of Site:	The Leas Lift, Lower Sandgate Road, Folkestone, CT20 1PR
Development:	Restoration works to the Leas Lift (including lift cars and track), alterations to the upper and lower lift stations, the construction of an extension to the lower lift station to provide a café and associated landscaping and infrastructure works.
Applicant:	The Folkestone Leas Lift Company CIC (c/o Agent)
Agent:	DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, ME14 3EN
Officer Contact:	Alex Stafford

SUMMARY

The Leas Lift is a grade II* listed funicular railway built in 1885 to carry passengers between the seafront and the Leas promenade.

The site is located within a sustainable central location within the settlement boundary and is within the Folkestone and Leas Bayle Conservation Area.

The scheme proposes to restore the Leas Lift including the first two tracks and lift cars, to an operational use.

To allow the lift to become commercially viable in the long term, the existing cafe is proposed to be relocated within the new extension, providing a public facility and commercial revenue to support the lift. It is also proposed that the building provides a space for education.

The proposed development, which would operate all year round, would create additional jobs, improve the tourism offer and would enhance the vitality of the town centre. In addition, the development would enhance connectivity between the Leas and the seafront and would improve the approach to the upper and lower stations to ensure the lift is accessible for all. The extension would also provide public toilets which would be available during the cafe opening times.

The design approach to the new extension and other works to the upper and lower station to bring the lift back into use, has in my view been well thought out and would be creative yet sensitive and follows extensive consultation with the public, the Council and statutory consultees such as Historic England.

In terms of the statutory duty of the Local Planning Authority, it requires that considerable and important weight to the assessment of harm to the setting of a listed building should be given. The impact of the proposed development on the Leas Lift itself, its setting and that of the Conservation Area is understood, and considerable weight has been given to it.

DCL/23/13

I agree with the assessment of Historic England that the proposed development will cause harm, that it would result in less than substantial harm and the considerable public benefits which include restoring and bringing an 'at risk' heritage asset back into use are sufficient to mitigate the harm.

The development would result in the loss of a small number of trees which on balance is considered acceptable. Matters of archaeology and ecology can be appropriately mitigated through the use of planning conditions and there are no concerns in relation to parking and highway safety. Further, it is not considered that the development would harm residential amenity.

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 Planning Committee as required by the Council's scheme of delegation because the Council has a substantial interest in part of the site.
- 1.2. There is an associated application for Listed Building Consent that is currently being considered by the Council for the works which is the next application on the agenda under application reference 23/0565/FH. The current report (planning application) covers the proposals in full and the assessment of the issues relevant to both application types. Two separate recommendations with conditions are proposed.

2. SITE AND SURROUNDINGS

- 2.1. The application site comprises a grade II* listed funicular railway.
- 2.2. The site is located within the settlement boundary of Folkestone, within the Folkestone and Leas Bayle Conservation Area.
- 2.3. The site is located within the wards of both Folkestone Harbour and Folkestone Central with the ward boundary crossing through the middle of the site.
- 2.4. The building which contains waiting rooms and a pump room together with the track, cars, brake houses, boundary railings and lift machinery are set onto the cliff, to the west of the Folkestone Harbour. There is a network of corridors and underground water tanks beneath the Leas.
- 2.5. The top of the lift sits along the Leas, a promenade at the top of the cliff, spanning from the Road of Remembrance to Clifton Crescent.
- 2.6. Vehicular access to the site is via Lower Sandgate Road and Marine Parade to the west, past the seafront development that is currently under construction.
- 2.7. To the west of the site is the Lower Leas Coastal Park which is a popular destination and immediately to the south there is access onto the shingle beach and boardwalk.

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

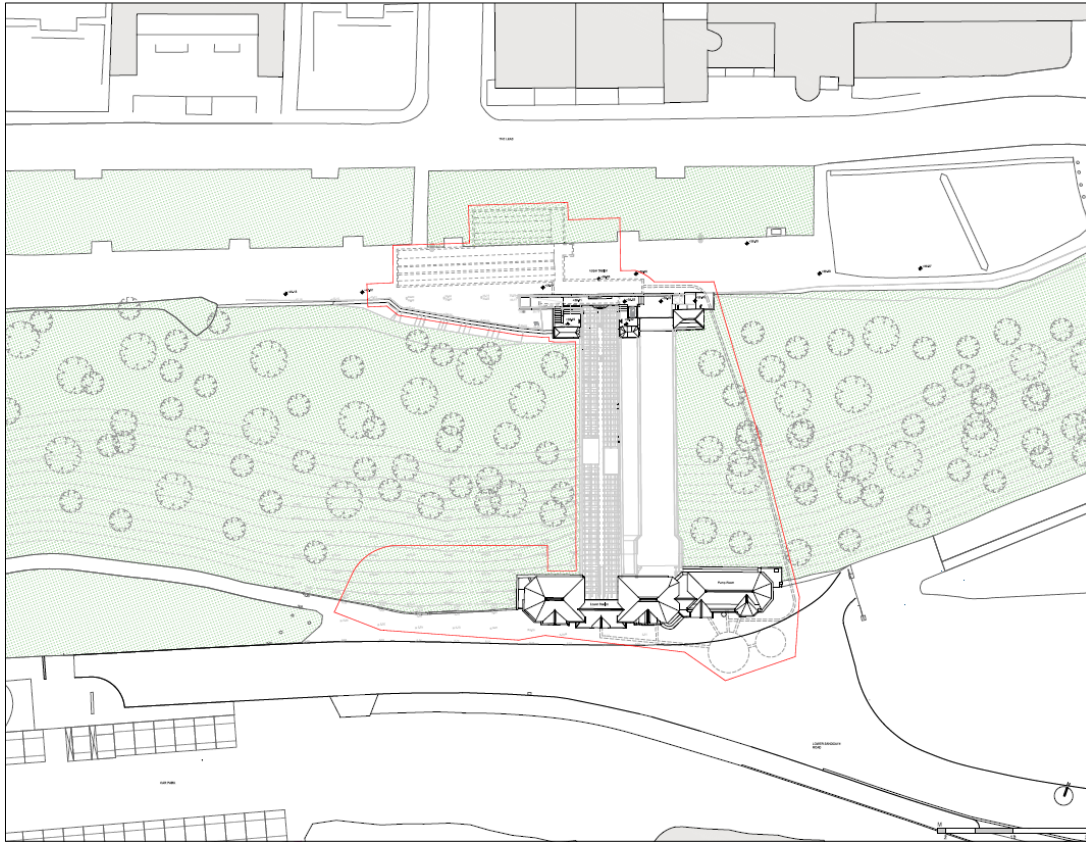


Figure 1: Existing Site Plan



Figure 2: Site Location (Google Maps 2023)

DCL/23/13

- 2.9. The Leas funicular cliff railway, which is a water balance cliff lift, was opened to the public on the 21 September 1885 by the Folkestone Lift Company on land leased from Lord Radnor. The waiting rooms were designed by a Folkestone architect Reginald Pope.
- 2.10. An additional track was constructed in 1890 to accommodate high demand, which included the installation of a gas-engine pump, housed in the purpose-built extension to the east of the lower station. The mains water had formerly been poured into a soakaway at the bottom of the lift, but the new gas pump allowed water to be returned to the top of the lift and stored in water tanks situated under The Leas which could then be used for the operation of the lift.
- 2.11. In 1930, when repairs were being carried out to the second track, an incident occurred where the carriage was being temporarily held at the top of the lift by a steel rope but fell due to a rotten sleeper and damaged the rear wall of the lower station building. The second track ceased being used in 1966.
- 2.12. The lift was closed in 2017 following a report by the Health and Safety Executive (HSE) which concluded that the type of braking system the lift used was "unreliable and prone to failure". The HSE determined the installation of a secondary braking system was needed to comply with Health and Safety legislation.
- 2.13. Following the closure of the lift in 2017, the FLLC CIC was set up in 2018, with the single purpose of raising the funds to get the lift operating again.
- 2.14. In 2019 the structure was added to Historic England's 'Heritage at-Risk' Register.
- 2.15. In order to secure the future operation of the building, the Leas Lift Café opened in September 2020 in the lower station building and continues to operate. A percentage of the revenue is directed towards funding the renovation of the lift.
- 2.16. The building and infrastructure are grade II* listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) for its special architectural or historic interest and specifically for the following principal reasons:
- **Rarity:** of only eight water balance cliff lifts built nationally, this was the third, but is one of only three which are still operating by the original system;
 - **Engineering and structural interest:** in its unique arrangement with two wheel houses with dual controls, with originally two separate lifts beside each other, with cars with side entrances;
 - **Rarity and degree of survival of the working machinery:** being the only water balance lift with the original 1890 reciprocating pumps, with early cast steel herringbone gears in use, and its original balance wheel and brake assembly; it is the only funicular railway in the world with a working band brake and has a unique automatic, hydraulic, remote engine control system;
 - **Architectural interest:** in the Vernacular Revival waiting rooms and pump house by Reginald Pope.

3. PROPOSAL

3.1. Full planning permission is sought for the following works:

1. Lift engineering works to meet HSE requirements to operate the lift comprising:

- New disc brake and linked electrical safety system as a secondary emergency brake to the sheave wheel;
- Replacement sheave wheel following recent testing;
- New back up pump in the pump room.

2. Alterations to the upper and lower lift stations including an extension to the lower lift station and enhanced step free access.

Top Station

- Alterations to the top station to provide step free access, including alterations to the approach steps & ramps, railings and lamps;
- Works to reveal the two sheave wheels including the removal of modern finishes.

Lower Station

- Alterations within the station building to improve productivity and visibility between the waiting room, steam pump room and views up the tracks.
- A single storey extension to move the cafe to the west of the station building with a terraced outside seating area, including excavation and construction of a retaining wall. A low level lightweight link is proposed between the cafe extension and the original central building. The extension would be set back from the building line of the existing lower station and pump room. A limited palette of materials is proposed to match the existing building and would comprise of concrete plinth and clay tiles together with red stained timber fenestration.

3. The introduction of solar panels on the second disused lift track:

- the installation of a solar panel array along the length of the disused eastern lift track.

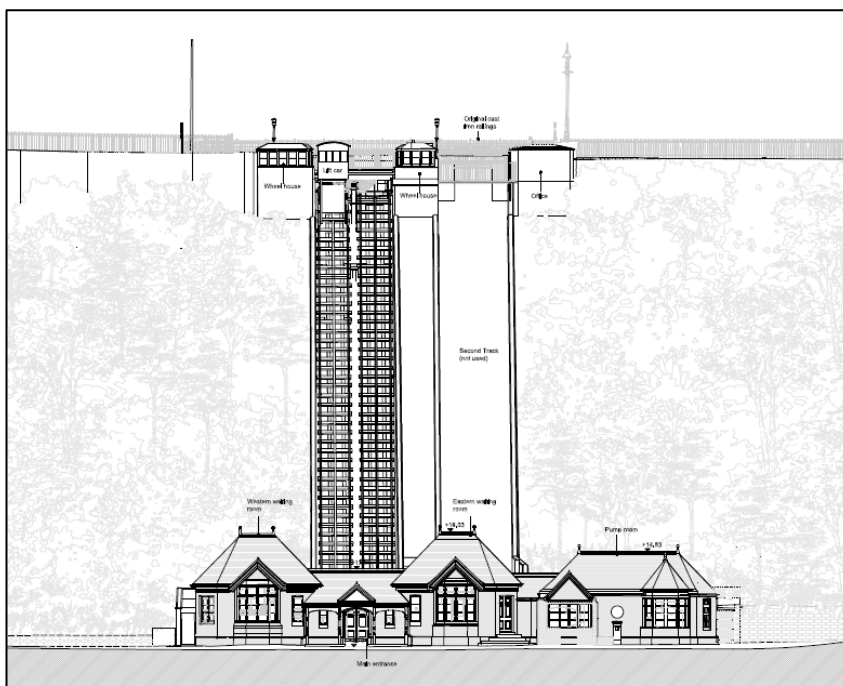


Figure 3: Existing Southern Elevation

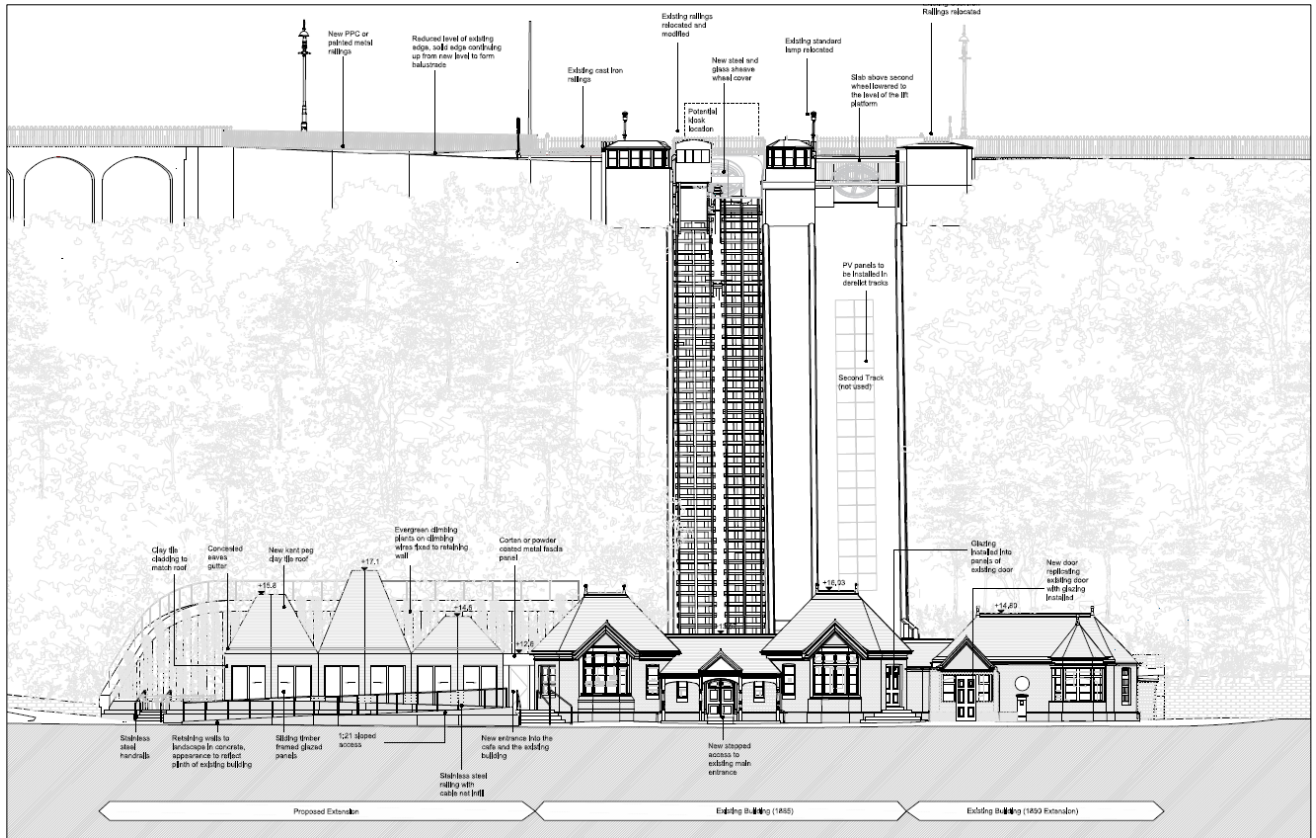


Figure 4: Proposed Southern Elevation

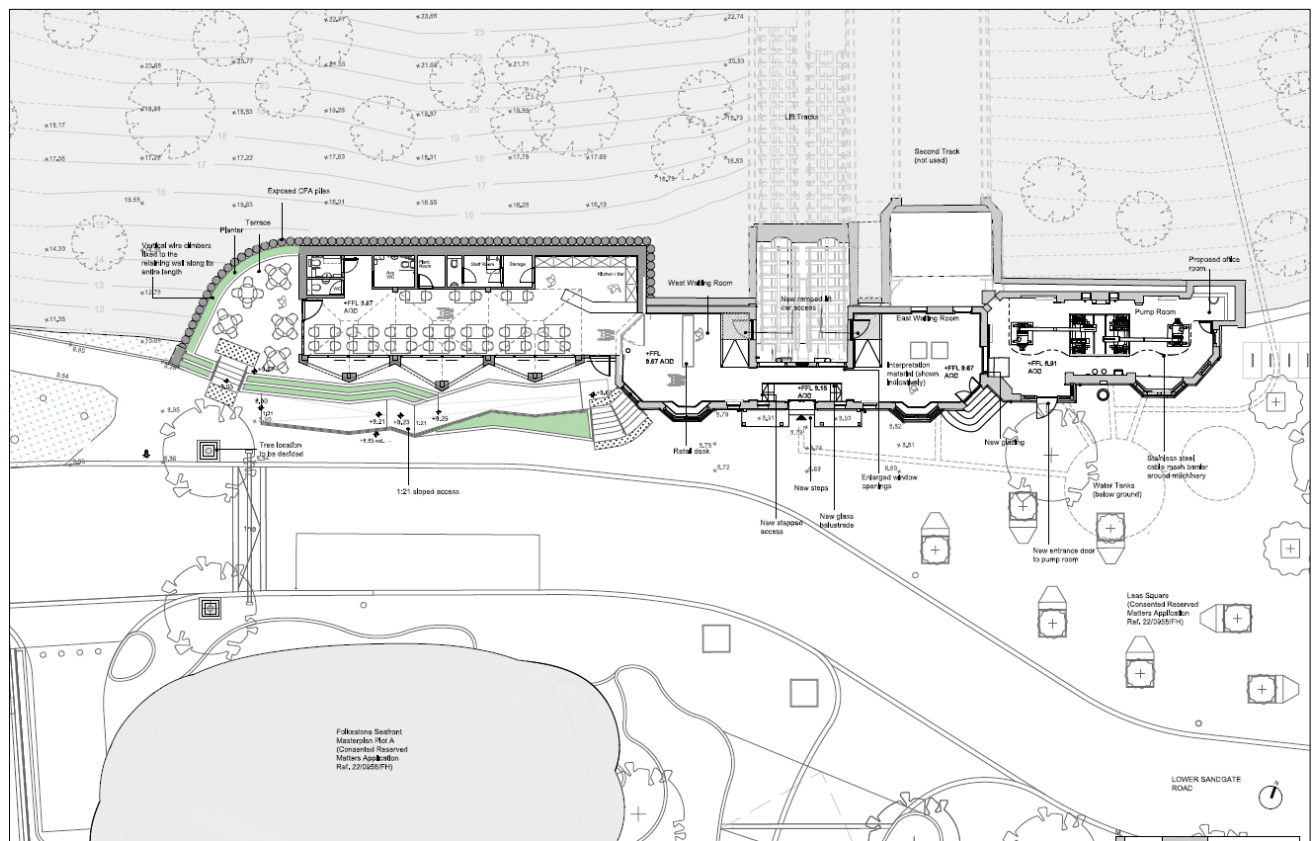


Figure 5: Proposed Lower Station Plan



Figure 6: Proposed Illustration - South Elevation from then Lower Station

- 3.2. The following reports have been submitted by the applicant in support of the proposals and are summarised below:

Planning Statement

It is recognised that the Leas Lift provides an important insight to the Town's cultural heritage as a seaside town and plays a significant role in public memory, prior to the lifts closure in 2017. This, combined with the heritage significance of the structure, has added to the positive momentum behind this restoration-led project, which is evidenced through the extensive pre-application engagement which has taken place with FHDC, Historic England and local stakeholders.

There is an added time constraint to delivering this restoration project, given its deteriorating condition, as recognised through its placement on Historic England's 'Heritage at Risk' register.

Section 38(6) of the Planning and Compulsory Purchase Act requires planning applications to be determined in accordance with the development plan unless material

DCL/23/13

considerations indicate otherwise. The principle of the development has already been established through FHDC's CSR which identifies the restoration of the Grade II* listed Leas Lift as a priority, in addition to policy HE1 of the PPLP, which encourages proposals which promote a viable use of heritage assets, particularly those which are at risk or under-used and improve public accessibility.

Whilst the proposals are restoration-led, they also seek to ensure a viable future use for the lift, through the extension of the lower station to provide a café, which in-turn, can help to support the long-term maintenance of the heritage asset. The planning statement states that the potential heritage impacts of the new build elements are acceptable in terms of the degree of harm and will provide significant identified heritage and public benefits.

The proposed development would deliver a high-quality scheme which makes a positive contribution to its immediate surroundings including; The Leas, the Leas Lift Square and the 'Folkestone Leas & Bayle' Conservation Area. In addition, the development provides an opportunity to reconnect the Town with Seafront, in line with aspirations set out within the CSR.

The proposed development will provide a policy compliant scheme, which restores a Grade II* listed structure and ensures a sustainable future use, in accordance with the core objectives of the NPPF.

Design and Access Statement

The proposals have been developed with the aim to

- Bring the lift back to life, reconnecting the town centre to the seafront;
- Create a regional destination;
- Deliver a programme of heritage engagement;
- Make the lift fully accessible and inclusive;
- Preserve the lifts engineering and machinery;
- Respect and celebrate its heritage and significance;
- Create sustainable architecture;
- Create employment, transfer heritage knowledge and skills.

The project brief comprises of 4 main areas these are:

1. Restore the lift cars and machinery
2. Introduce a café to keep the lift financially sustainable
3. Make the lift fully accessible and inclusive
4. Provide an opportunity for interpretation and education

In response to the brief, the proposal seeks to relocate the kitchen and cafe to the extension, freeing up the original waiting rooms which would be used for queuing and interpretation. Furthermore, there is an opportunity to open the pump room up to the interpretation space allowing visitors to learn about the lift and experience its operation.

The proposed design is based on three modules, a modern re-interpretation of the central original building. Each of the three modules is a 5-sided polygon, continuing the angular nature of the neighbouring building. The materials proposed mimic those of the existing building and would comprise of a concrete plinth and clay tiles.

DCL/23/13

The design has evolved following consideration of the comments received during public consultation, the Design Panel and FHDC feedback as well as pre application discussions with Historic England.

Heritage Statement

This report concludes that the development would help to reveal and greatly enhance the character and significance of the heritage asset, whilst also providing far greater accessibility and flexibility of enhanced uses to secure the long-term sustainability of the heritage asset and its removal from the Heritage at Risk Register. The immense public benefits provided in the restored use of the lift and new ancillary facilities as well as the many proposed repairs and heritage enhancements greatly outweigh the minor harm caused under the proposals, which has been minimised and mitigated in the proposals through high quality design and approach to conservation. The proposals are therefore deemed to meet the guidance of paragraph 195 of the NPPF.

Conservation Management Plan

The document provides a baseline understanding of the historical development and significance of the Leas Lift, as well as an overview of its condition, vulnerabilities and potential for change, in order to inform future decision making.

The document considers the heritage significance of the lift in detail and a set of policies to conserve and enhance the significance of this important cultural and technological asset are outlined.

Transport Assessment

The report sets out that the site is accessible by a range of modes of transport with local services located within a comfortable walking distance.

The site is located approximately 300m from Folkestone bus station that provides frequent bus services to a number of destinations. The nearest mainline train station is approximately 0.8 miles from the site.

Data shows there were no accidents resulting in personal injury along Lower Sandgate Road or The Leas during the last 5 years.

The proposed development will extend the existing lower station buildings by 90sqm and will provide improved ramped and stepped access arrangements at both the lower and upper stations.

The existing café areas of the lower station will be reconfigured for a ticket sales/retail area and exhibition area with the new café area providing 52 seats – an increase of 6 seats.

Access arrangements will remain unchanged.

Parking provision would be in accordance with KCC's Parking Standards with additional cycle parking being provided.

DCL/23/13

The development would generate a minimal number of additional person trips during the weekday peak hours and would not be expected to have a material impact on the operation of the highway network off-site. A high proportion of trips to/from the café would be likely to be linked trips to the nearby facilities.

The TA concludes that there are no highway reasons why planning permission should not be given.

Biodiversity Surveys and Reports

The preliminary ecological appraisal describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures and to comply with wildlife legislation.

The preliminary roost assessment provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and the wider environment. Further, the report documents physical evidence found during the survey. The report provides information relating to mitigation.

The report concludes that there would be no direct impacts to any designated sites as a result of the development.

The report concludes that there are no notable habitats within the site but there is deciduous woodland located to the east of the site. There would be no direct impacts to any notable habitats.

The site is not suitable for Great Crested Newts, common amphibians or reptiles due to the large areas of hardstanding, buildings and lack of nearby ponds.

The underground chamber, control rooms and the upper station and the trees/scrub/woodland to the east have negligible value for roosting bats. The café has a low value for roosting bats due to missing tiles and a hole in the soffit board.

Works to the sheave wheel and the chambers should be carried out outside of the hibernation period (May – September). If works are required during that period, a pre commencement survey should be completed to ensure no bats are present.

A low impact lighting strategy should be adopted on site.

There are no known Badger sets, the site is not suitable for dormouse, otter or water voles and a precautionary working method should be implemented during construction to protect hedgehogs. There is not expected to be an impact upon nesting or foraging birds or invertebrates as the woodland and scrub to the east/west which provides a suitable habitat are off site.

Bat Survey

The report concludes that no evidence of a bat roost was found within the buildings or anywhere else within the site and therefore it is highly unlikely that the site is being used by roosting bats.

DCL/23/13

Arboricultural Impact Assessment and Method Statement

The report assesses the impact of the proposed development upon trees located on the site and within the immediate vicinity and to provide advice on trees requiring removal as well as outline protective measures for trees to be retained.

The development would require the removal of three trees (1x category B, 1x category C and 1x category U). Although the trees are considered to be unremarkable specimens the visual impact of the proposed tree removals will be visible from the public realm. The trees are however part of a larger group of trees and therefore their removal would have a neutral impact on the broader landscape contribution of the site.

It is considered that provided the precautionary and protective measures outlined within the report are strictly observed and adhered to, the development would not have a detrimental impact upon retained trees.

Archaeological Desk Assessment

The report concludes that a review of the available data shows that very few archaeological sites are known within the 250m radius of the development area and that no additional archaeological investigative work may be required on site.

Sheave Wheel Investigation Report

The report contains details of the sheave wheel investigations on the Leas Lift that were undertaken in December 2022 - January 2023.

Based on the works required to repair the wheel, the existing material quality, and the requirement to add a new disc brake to the existing wheel - adding additional braking forces to the existing wheel the necessary repair works are likely to be very extensive and due to the existing wheels material quality, the wheel could not be signed off safe for operation.

If the wheel was repaired the likely repairs could cause cracking or failure in the existing cast iron if an imperfection of the existing cast iron was touched during the repair works, or the incorrect pre-heat and cooling was carried out, based on the high risk of the repairs and the existing condition it is not recommended to repair the existing sheave wheel.

It is recommended that the wheel is replaced with a like for like steel replacement that is suitable for the requirements of the lift that will meet the HSE's requirements.

Energy and Sustainability Statement

The Proposed Development would reduce energy demand through passive design and energy efficiency measures alongside the installation of a clean energy source.

Due to the existing building being a heritage asset, the Be Lean, Be Clean and Be Green approach has been generally only applied to the new extension in order to minimise the overall environmental impact and operational energy. Highly efficient building fabric is proposed for the extension to passively reduce the energy demand. The use of passive design strategies has been utilised, including the use of openable

DCL/23/13

windows and rooflights. Within spaces where a high level of ventilation is required, a highly efficient Mechanical Ventilation with Heat Recovery unit would provide ventilation.

Heating is proposed to be via Air Source Heat Pumps. This will also mean a fully electric building is provided. Low Temperature Hot Water would be used for space heating, would be provided within the spaces through a mixture of radiators and Underfloor Heating.

Solar photovoltaic panels are proposed on the second unused track and would generate a large amount of the building's predicted energy. An Automatic Metering System is proposed to monitor the building's performance allowing high areas of energy usage to be identified and areas to target for future reductions.

Detailed calculations to review the Part L performance of the extension have been undertaken, showing that the predicted Building CO2 Emission Rate is estimated to be 28% below the Target CO2 Emission Rate, satisfying the local policy CC1 for non-residential developments.

The project aims to be as sustainable as possible, with minimal embodied and operational carbon impacts. Further sustainability strategies include the installation of low flow fittings. Onsite noise reduction has also been proposed to minimise energy consumption and ensure the new ASHPs do not significantly impact the nearest noise sensitive receptors.

Preliminary Slope Stability Assessment

With a history of landslides onsite (at the southern boundary and further south), and an existing very steep slope angle but limited onsite evidence of movement; the cliff is considered currently stable. With ongoing local movements, the cliff is considered unstable in the long term. It is considered that there is a high risk of slope instability occurring during the proposed extension of the café at the base of the cliff, as a result of cutting into the slope and therefore, care must be taken during construction to mitigate this risk.

The report recommends measures to be put in place to mitigate risk during construction.

Flood Risk Assessment and Drainage Strategy

The site is located within Flood Zone 1, an area with a low probability of flooding from rivers and sea.

An assessment of peak foul water flow has been carried out. It is anticipated that there shall be an increase in peak flow by approximately 0.0063 l/s.

It is proposed that the foul network is connected to the existing 200mm diameter public combined sewer within Lower Sandgate Road. A connection is subject to a formal connection agreement with Southern Water.

The proposal for surface water is to utilise permeable pavements and catchpits.

DCL/23/13

The surface water drainage strategy will include a 45% allowance from increased rainfall intensities as a direct result of climate change.

The FRA and Drainage Strategy concludes that the site can be drained satisfactorily in accordance with Local and National Planning Policy Guidance.

Noise Impact Assessment

The report concludes that with careful design and selection of the proposed items of building services plant, the noise emissions will be of a 'low impact' in accordance with BS 4142 and will be within acceptable limits and should not result in an adverse effect on any residential amenity.

Lift Engineering Works Report

The report contains justification for the proposed works and states that the proposed works are deemed to be essential to the re-opening of the lift, following the closure due to safety issues. The modifications have been designed to comply with the HSE's minimum safety requirements whilst allowing the lift to remain as true to the original design intent as possible. The operation of the lift will not change, the new braking and safety systems will act as a fail-safe blanket operating only when the manual operation exceeds the safe parameters for normal operation.

The proposals have been the subject of a number of pre application discussions, including a public consultation in December 2022 and in depth engagement with Historic England and FHDC between September 2022 and March 2023.

The proposals were also subject to a Place Panel review which took place in December 2022. The comments of the Design Review Panel are summarised as follows:

- The proposals would bring a much-loved local amenity and visitor attraction back into use with 21st century standards of accessibility which is welcomed by the panel.
- The scheme will make the seafront accessible for all and provide a different kind of offer with a quiet cafe spot, at the western end of the seafront development.
- The project team should be commended for achieving a great deal with a tight site. As well as restoring the lift, improving accessibility, and expanding the café facilities, the educational benefits of revealing the pump room are also a positive feature. The panel supports the proposed design and considers it successful, subject to some relatively minor amendments.
- The roof form of the extension could be adjusted to create a more sympathetic relationship between old and new structures. This could be achieved by lowering the three roof peaks to the level of the roof ridge in the existing building, so no element of the extension is taller than the listed building. The easternmost pitch could also be replaced with a flat roof to create a clearer transition between the old and the new.

DCL/23/13

- The panel suggest the entrances to the café and lift building are too close to one another, and that a more generous landing should be provided at the top of the cafe ramp. As the form of the combined buildings is relatively complex, the panel supports the simple materials palette proposed. The panel also supports the plans to improve accessibility, which create spaces that are both practical and sculptural, especially at the upper level.
- The panel encourages the applicants to provide public toilets, rather than only cafe customer toilets, as part of the scheme, although it appreciates that space is limited.

4. RELEVANT PLANNING HISTORY

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

23/0565/FH	Listed building consent for restoration works to the Leas Lift (including lift cars and track), alterations to the upper and lower lift stations, the construction of an extension to the lower lift station to provide a café and associated landscaping and infrastructure works.	Under Consideration
22/1663/FH	Listed building consent for the temporary removal of the sheave wheel for testing and inspection.	Grant Consent
Y12/0387/SH	Listed building consent to remove track and timber sleepers to redundant second lift at Leas Cliff Lift	Refused
Y/08/0379/SH	Listed building consent for the installation of a touch screen display unit in connection with the public art project Other Peoples Photographs.	Allowed on Appeal
96/0586/SH	Siting of a 6.1 metre flagpole to display banner advertising sign.	Grant Consent
90/0820/SH	Listed building consent for the replacement of railings at top station with safety railings.	Withdrawn

5. CONSULTATION RESPONSES

5.1. The consultation responses are summarised below.

Consultees

Folkestone Town Council: No objections stating the following:

DCL/23/13

The lift is one of the jewels of Folkestone and its practical significance in joining upper and lower Folkestone is considerable. The Committee supports the scheme providing ongoing alterations are monitored by English Heritage and the Council Conservation Consultant. The overall feel must remain Victorian. Shifting the cafe to the west of the lift is a positive move.

KCC Highways and Transportation: Following the submission of additional information, no objections are raised subject to conditions relating to a construction management plan, provision, and retention of bicycle parking and the approval of a stopping up order on Lower Sandgate Road by Kent Highways and Transportation.

KCC Ecology: Following the submission of an additional information KCC's ecologist advises that sufficient information has been submitted to determine the planning application. It is requested that should planning permission be granted it would be necessary for additional measures to be included with the Construction Management Plan relating to precautionary mitigation which would be secured by planning condition.

County Archaeologist: No objections subject to a conditions.

Environment Agency: No comments.

FHDC Economic Development: No objections commenting that the development has been designed to help regenerate an area of Folkestone seafront by restoring and enhancing a major heritage asset, attracting both residents and tourists to the area. The proposed café, which forms a critical part of the business plan, will encourage visitors to dwell in the striving seafront location and provide income generation to support the ongoing operation of the lift. This scheme will also compliment the wider improvements and proposals ongoing within the harbour and seafront area of Folkestone and connect the seafront to the promenade and wider town centre.

Arboricultural Manager: No objections stating that whilst 3 trees are to be lost, their loss is not considered detrimental to the landscape character of the area.

Historic England: Support. Comments are summarised below:

Historic England supports the planning and listed building applications for the Leas Lift which would secure changes required to bring this important historic building back in to use and provide it with a long-term viable use to sustain its on-going conservation.

Historic England assess the proposals would cause some harm to the significance of the grade II* listed building, and this chiefly arises from the replacement of an early engineering component, the sheave wheel and alterations to historic railings at the top station which are part of a historic composition.

DCL/23/13

Notwithstanding this. Historic England are satisfied that the applicant has explored options to reduce harm and that paragraph 195 of the National Planning Policy Framework (NPPF) is capable of being met.

It will be for the Council to weigh the harm against the public benefit as required by paragraph 202 of the NPPF noting that in this case, the proposal secures a very great heritage benefit of alterations which would allow the lift to become operational by meeting HSE requirements.

The Victorian Society: Comments as follows:

The Committee welcome and support proposals to bring the lift back into use, but also expressed some concerns.

While generally supportive of the proposals in principle the Society is concerned by the lack of information included in the application, especially as regards the interior of the lower station. For a building of this significance, we would expect to see 1:20 detailed drawings of the proposed alterations and how this would interact with the existing fabric and decoration. Despite this it is clear that the proposals would represent significant alteration to the interior with new and widened openings and installations of new balustrades. The interior of the building should be treated with a lighter touch, preserving as much historic fabric as possible, while making only necessary changes to improve access. Existing window openings and historic balustrades should be retained.

The principle of a cafe extension is acceptable, but the proposed design would draw attention away from the historic building, harming its setting and significance. An acceptable design would be simpler, with a lower roof height than the historic buildings.

While we recognise that a substantial part of the proposals is to enable equal access to the lift, it appears that the primary entrance to the lower level of the lifts would be through the new extension, rather than the historic primary entrance. The historic entrance must remain in use as it is important to the architectural experience of the building and the legibility of its historic use.

Again, in principle the Society accepts the installation of solar panels on the unused second track. However, it is unclear when comparing recent photographs to the drawings if the historic track itself remains in place. The Committee were also concerned that the visualisations do not accurately show the level of glare and reflection which solar panels could create. This would have a negative impact on the setting of the structure. If the tracks do remain in place, then the panels should be fixed in such a way which does not damage them and should be of an unreflective type.

Finally, the substantial landscaping to create a ramp at the upper station raises concern.

DCL/23/13

The creation of a ramp with stepped planting will affect the substantially unaltered setting of the upper station and represents an invasive method of providing access. Given that the eastern lift is already accessible via a platform lift, we question whether the need for accessibility could not be addressed through the introduction of an additional lift. This would be less of an imposition on the site, not fundamentally altering it in any way.

[**CPO comment:** It is proposed that conditions attached to the LBC application would require the submission of detailed drawings at scales of less than 1:20. The solar PV panels would be attached to the disused track that would remain in situ)

Local Residents Comments

5.2. 434 neighbours directly consulted. 1 letter of objection, 4 letters of support received.

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

Objections

- Concerns that the existing groundwater drains would be affected.
- Whilst the external appearance of the proposed extension is largely acceptable, the large windows do not fit the overall look of the lower building and are at odds with the premise of restoring other features to their original design, such as reinstating an original entrance. The building already gets very hot in summer months, and visitors will find this overbearing.
- The cafe looks like a modern, generic cafe.

Support

- Access looks good.
- The proposed development would be appropriately designed.
- The sooner the lift is up and running the better.
- A well-considered and sympathetic planning application preserving an important piece of local history.
- The development will improve access to the Lower Leas for those who can't walk up and down the hill. Hopefully disabled customers will get discounts and have priority.
- The proposals would be a great addition to the existing popular café.

DCL/23/13

- For the most part, the development would respect the heritage of the Leas Lift, whilst creating a sustainable business model to ensure its ongoing survival. The applicant, and their contractors, should be commended for this.

- 5.4. The site is located within both the Folkestone Central and Folkestone Harbour ward boundary. None of the Ward Members have made any comments on the application at the time of writing this report.
- 5.5. Consultation responses are available in full on the planning file on the Council's website:

[Planning Register Application Search](#)

6. RELEVANT PLANNING POLICY

- 6.1. The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review Local Plan 2022.
- 6.2. The relevant development plan policies are as follows:

Places and Policies Local Plan 2020

RL2 – Folkestone Main Town Centre

NE1 – Enhancing and Managing Access to the Natural Environment

NE2 – Biodiversity

NE6 – Land Stability

NE8 – Integrated Coastal Zone Management

NE9 – Development around the Coast

CC2 – Sustainable Design and Construction

HW4 – Promoting Active Travel

HE1 – Heritage Assets

HE2 – Archaeology

Core Strategy Review (2022)

SS1 – District Spatial Strategy.

SS2 – Housing and the Economy Growth Strategy

SS3 – Place Shaping and Sustainable Settlements Strategy

SS4 – Priority Centres of Activity Strategy

SS10 – Spatial Strategy for Folkestone Seafront

CSD3 – Rural and Tourism Development

CSD4 – Green Infrastructure of natural Networks, Open Spaces and Recreation

CSD4 – Water and Coastal Environmental Management

CSD6 – Central Folkestone Strategy

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

Supplementary Planning Guidance/Documents

Folkestone Conservation Area Appraisal

Paragraph 14 of the appraisal acknowledges that as a tourist attraction, Folkestone has a considerable potential for conservation-led regeneration.

Government Advice

National Planning Policy Framework (NPPF) 2021

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

Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives. These are:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and;

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 20 – 23 - Strategic policies.

Paragraph 28 – 29 Non-strategic policies.

Paragraph 38 - Decision making.

Paragraphs 39 to 46 - Pre-application engagement.

Paragraph 47 – 50 - Determining planning applications.

Paragraphs 55 to 58 - Planning conditions and obligations.

Paragraphs 81 – 83 – Building a strong competitive economy.

Paragraphs 86 -91 – Ensuring the vitality of town centres.

Paragraphs 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – Open space and recreation.

Paragraphs 114 to 118 - Promoting sustainable transport.

Paragraphs 126 to 136 - Achieving well-designed places.

Paragraphs 152 to 169 - Meeting the challenge of climate change, flooding.

Paragraphs 174 to 178 - Conserving and enhancing the natural environment.

Paragraphs 179 to 182 - Habitats and biodiversity.

Paragraphs 189 – 208 – Conserving and enhancing the historic environment.

7. APPRAISAL

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

- a) Principle of development
- b) Design and visual amenity
- c) Impact on heritage assets
- d) Residential amenity
- e) Ecology and biodiversity
- f) Archaeology
- g) Trees
- h) Highway safety

a) Principle of development

7.2. The NPPF in paragraph 8 states that in order to achieve sustainable development, the planning system must help to build a strong, responsive, and competitive economy. Further, it sets out that local planning authorities should plan to support strong, vibrant, and healthy communities with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

DCL/23/13

- 7.3. The site is located within the urban area of central Folkestone. Policy SS1 of the Core Strategy identifies the area as a sub-regional centre where the majority of the districts population, jobs, shops and other services and facilities are found and as such is the most sustainable location within the district. Given this, it follows that development in this location should support the towns expansion, helping to enhance services, infrastructure, and ensure that opportunities to maximise employment opportunities at key locations are supported.
- 7.4. The Core Strategy acknowledges that this area presents a varied environment with contrasting opportunities. It highlights that the topography of the town has also historically impeded growth and regeneration by adding vertical distance to places that are in relatively close proximity - such as at the Leas. In addressing this issue, the Core Strategy specifically states at paragraph 5.113 that further investment is needed to ensure the restoration of the Leas Lift which should be considered a priority.
- 7.5. Policy SS10 of the Core Strategy sets out the spatial strategy for Folkestone Seafront. The area is allocated for a mixed use development, providing up to 1000 new homes together with retail services, offices and other community and leisure uses. Of particular relevance are criteria a) and b) which states that planning permission will only be granted where proposals:
- a) Support the delivery of planned incremental redevelopment for a distinctive, unique and high-quality seafront environment, with a mix of uses providing vitality for the whole site and Folkestone.
 - (b) Directly contribute to the regeneration of Folkestone by reconnecting the town centre to the Seafront and enhancing the attractiveness of Folkestone and its appeal as a cultural and visitor destination, complementary to the Creative Quarter and existing traditional maritime activities.
- 7.6. The proposed development would bring an existing tourist attraction back into an active use. In addition, the cafe which currently occupies the building would be retained and improved with only a modest increase in capacity. The introduction of an exhibition area in the lower station would also help to build upon Folkestone's tourism offer and enhance the vitality of the town centre.
- 7.7. The proposed development would provide employment opportunities both during construction and after. The applicant estimates that is intended that once operational, the lift would provide 10 full time jobs, would support an apprenticeship and seasonal jobs and the café would create at least 6 full time jobs. The introduction of public toilets (which would be available during cafe opening times), would be accessed separately via the terrace to the west of the cafe and would help to enhance the destination in line with policy SS10.
- 7.8. The proposals would see improved access between the town centre and the seafront in accordance with the wider spatial strategy and regeneration aspirations for Folkestone Seafront, including the already approved public realm works.
- 7.9. In light of the above, the principle of the development is considered to be acceptable and in accordance with the requirements of the Development Plan and the NPPF.

b) Design and visual amenity

- 7.10. The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that planning decisions must therefore ensure that developments are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping. In addition, developments must be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 7.11. The proposed extension which would be located at the western side of the existing building seeks to mirror the 1890's pump room extension which would bring back a level of symmetry that was seen on the original building. The extension would be set back from the frontage of the original building in alignment with the later pump room helping to reduce its prominence.
- 7.12. The design approach seeks to repeat the design of the original building in a playful way, drawing inspiration from the building proportions and established rhythm. The scheme has evolved and been amended taking account of pre application discussions and has seen the height of the extension reduced and a wider low level link introduced to set the extension further away from the original building to reduce the impact and to allow the various elements to be read independently from each other, creating separation between the new and the old.
- 7.13. In terms of materials, chosen finishes have been informed by the materials found on the original building and the palette has been deliberately kept simple which is considered to be appropriate in this case.
- 7.14. Further, moving the existing cafe into the new extension will create space for an accessible internal layout, enabling the lift to be brought back into use at today's standards.
- 7.15. Historic England, a statutory consultee has provided detailed comments on the proposals and have stated that they consider that the proposed extension would in their view successfully draw on the locally distinctive form of the lower station and its strong composition but in a modern idiom which, provided the detail and materials are high quality, should result in a playful piece of architecture which in itself could be a positive addition to the street scene.
- 7.16. The proposed installation of solar panels to the discussed track would help to minimise energy demand and create clean energy which is in accordance with the aims of the NPPF and the Development Plan which seeks to mitigate climate change by reducing greenhouse gas emissions. Notwithstanding this, the panels would not be overly prominent on approach to the Lower Station due to the surrounding vegetation which

DCL/23/13

would help to obscure the panels. They would be visible to some degree from the south, but at a distance which would reduce the overall impact to a satisfactory one.

- 7.17. Planters are proposed around the edge of the retaining wall to the rear of the extension. Wires would be attached to the wall to allow climbing plants to be grown that will in time help to screen the piles from view creating a visible living wall. The ramps and steps have been designed to reflect existing materials and the railings proposed would be lightweight and long lasting.
- 7.18. Works to the upper station at the Leas are largely public realm improvements and would provide a new sloped access to the lift. Landscaping would be provided within stepped planters, following the approach at the lower station, linking the elements together; old railings will be reused where possible and a new section of painted balustrade is proposed to the edge of the promenade. Overall, it is considered that the changes proposed are both practical and well designed providing a high quality, inviting and sculptural entrance to the lift from the Leas.
- 7.19. Overall, the design rationale has in my view been well thought out and is creative yet sensitive. As a result of the above, I am satisfied that the development would not result in harm to the visual amenity of the street scene.

c) Impact on Heritage Assets

- 7.20. The Planning (Listed Buildings and Conservation Area) Act, Section 66 (1) 1990, places a statutory duty on the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In this case, the Leas Lift is a Grade II* listed building (the listing includes waiting rooms, pump room, lower station tanks, track, cars, wheel houses, tank room, upper station tunnel and railings).
- 7.21. The site is located within the Folkestone Leas and Bayle Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act, places a statutory duty on the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Under the NPPF conservation areas are designated heritage assets and their conservation is to be given great weight in planning decisions.
- 7.22. Section 16 of the NPPF sets the considerations when assessing planning applications which affect heritage assets. This essentially requires the 'significance' of the asset to be established and to avoid or minimise any conflict between the heritage asset's conservation and any part of the proposal (paragraphs 194 & 195), then take account of the desirability of sustaining and enhancing the significance of that asset and putting it to a viable use; to consider the positive contribution it would make on the community; and the possible positive contribution new development could make (paragraph 197).
- 7.23. The NPPF states that great weight should be given to the asset's conservation. The more important the asset the greater the weight should be given (paragraph 199) and any harm to, or loss of the significance should require clear and convincing justification (paragraph 200).

DCL/23/13

- 7.24. Where potential harm to designated heritage assets is identified and in order to identify which policies in the NPPF apply the harm needs to be categorised as either 'less than substantial' harm or 'substantial' harm (which includes total loss).
- 7.25. Substantial harm to grade II listed buildings should be exceptional and substantial harm to assets of the highest significance, notably grade II* listed buildings should be wholly exceptional. In cases of substantial harm to designated heritage, paragraph 201 states that local 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.
- 7.26. Where a proposal would result in less than substantial harm, the NPPF requires that it is weighed against the public benefits of a proposal in the manner described in paragraph 202. Heritage benefits are a public benefit to consider in the weighing exercise.
- 7.27. Policy HE1 of the PPLP is relevant to the application and states that planning permission will be granted for proposals which promote an appropriate and viable use of the heritage asset.
- 7.28. In terms of the significance of the grade II listed building, the Leas Lift was one of only 8 water balance lifts built in England of which only three examples survive, and as such its rarity adds to its significance. In addition, perhaps the most interesting element of the lift is the exceptional structural and engineering interest that it holds with these engineering components illustrating the late Victorian engineering response to lift technology. As such these elements also make a major contribution to the building's significance. The building itself reflects the vernacular revival style, with high quality attractive detailing both inside and out. The survival of all the historic joinery and the overall architectural quality of the building further add to the building's significance. Finally, turning to the upper station and the Leas area, whilst it is considered that the detailing here is less rich, the railings and lamps appear to be original features and make a contribution to the overall significance of the lift.
- 7.29. The proposals are considered, by Historic England, to involve a degree of harm to the historic assets, including to the engineering arrangement at the upper station, the access ramps and steps providing passenger access to the upper station, internal alterations to visibility and accessibility within the lower station, the impact of the proposed excavation and extension to the lower station building and the appearance of the solar panel array. Historic England advise that the level of harm is considered in this case to be less than substantial.
- 7.30. As stated earlier, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance). If 'less than substantial harm' is identified, para 202 of the NPPF is engaged and the harm must be weighed against the public benefits of the proposal. It is a balancing exercise between the two, and it is for the decision maker, i.e., the local planning authority, to make that balanced decision.

DCL/23/13

- 7.31. As such the harm needs to be weighed against the desirability and heritage benefit of bringing the railway back into operation which would bring both a sense of purpose to the existing buildings and equipment and wider public benefits brought by the reinstatement of the lift and its service.
- 7.32. Furthermore, heritage can bring substantial benefits to the wider district, as stated in para 190 of the NPPF, which recognises the wider social, cultural, economic, and environmental benefits that conservation of the historic environment can bring. This is supported by the Folkestone and Hythe District Heritage Strategy, which recognises the benefits of incorporating heritage as a catalyst for cultural, economic and social regeneration, by ensuring that heritage plays a positive role in all areas of strategic planning – place shaping, economic, tourism, health and wellbeing and education.
- 7.33. Taking the above into account, I consider that the less than substantial harm to the heritage asset and its setting is outweighed by the proposed public benefits that the proposed development would deliver. In addition, I consider that the character and appearance of the conservation area would be preserved. As a result, the development would comply with policy HE1 of the PPLP and the requirements of the NPPF.

d) Residential amenity

- 7.34. The proposals seek to restore and improve an existing facility and no new uses are proposed. Given this together with the separation distances between the Leas Lift and neighbouring residential properties it is not considered that the development would result in unacceptable harm to the residential amenity of residents.

e) Ecology and biodiversity

- 7.35. The submitted documents concerning ecology and biodiversity suggest that the site is unsuitable for dormouse, otter and water voles and there are no known badger setts in the area. Further the development is not expected to impact upon nesting or foraging birds or invertebrates as the woodland and scrub to the east/west which provides a suitable habitat are some distance away off site. Whilst the site does have potential for roosting, foraging and commuting bats, no evidence of any roosts were found during the surveys.
- 7.36. KCC's ecologists, as statutory consultee has provided advice confirming that they agree with the applicant's precautionary mitigation approach to avoid impacting protected species which would be secured by a planning condition.
- 7.37. Therefore, in accordance with the advice of KCC Ecology and Biodiversity, I consider that ecological and biodiversity issues can be subsequently mitigated through planning conditions.

f) Archaeology

- 7.38. Following the advice of the County Archaeologist conditions are recommended requiring a historic building watching brief and an archaeological watching brief. I am satisfied with these measures in place that matters concerning archaeology can be satisfactorily mitigated.

g) Trees

7.39. The proposed development would result in the loss of 3 existing trees (Category B, Category C and Category U). The submitted arboricultural impact assessment states that whilst these trees are individually unremarkable, the visual impact of their loss will be seen from the public realm. Notwithstanding this, it is noted that these trees are part of a larger group and as such it is considered that their removal will not be significantly harmful to the landscape character. The loss of the trees to facilitate the development (and the aforementioned associated public benefits) is therefore considered to be acceptable.

h) Parking

7.40. The site is located in a highly sustainable location and is close to existing public car parks. Whilst no car parking is proposed to serve the development it must be noted that the cafe is an existing facility, and it is also anticipated that there would be a large number of linked trips associated with the seafront development. In addition, there are parking controls in place along Lower Sandgate Road and bicycle parking facilities are proposed. In light of the above and in line with the advice of KCC Highways and Transportation who rise no objections in relation to parking and highway safety I am satisfied that the development is acceptable in this respect.

Environmental Impact Assessment

7.41. 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

7.42. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.

Human Rights

7.43. 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

7.44. 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.

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

Working with the applicant

7.46. 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 and in this case has taken part in extensive pre application discussions.

8. CONCLUSION

- 8.1. The proposed development would bring an 'at risk' heritage asset and local tourist attraction back into an active use whilst maintaining modern safety standards.
- 8.2. The proposals would make the seafront accessible for all and would provide a much needed connection between the town centre and the seafront in accordance with the Council's strategic aims.
- 8.3. The proposed retention and improvement of the cafe will help the lift to be commercially viable in the long term.
- 8.4. The proposed development, would create additional jobs, improve the tourism offer and would enhance the vitality of the town centre. In addition, the development would provide much needed public toilets.
- 8.5. The design approach has been well thought out and would be high quality and creative yet sensitive and has been informed by extensive consultation with the public, the Council and statutory consultees such as Historic England.
- 8.6. Whilst it has been identified that the development would cause some harm to the heritage assets, the harm would be 'less than substantial' and therefore weight must

DCL/23/13

also be given to the public benefits that would occur which are sufficient to mitigate the harm.

- 8.7. The development would result in the loss of a small number of trees which on balance is considered acceptable. Matters of archaeology and ecology can be appropriately mitigated through the use of planning conditions and there are no concerns in relation to parking and highway safety. Further, it is not considered that the development would harm residential amenity.
- 8.8. My assessment of the various issues above concludes that the development would comply with the requirements of development plan policy and the NPPF subject to the imposition of conditions. And it is my view that the proposal would represent sustainable development.

9. BACKGROUND DOCUMENTS

- 9.1. The consultation responses set out at Section 6.0 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:

01. 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.

02. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

03. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 – 1900 hours
Saturdays 0730 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

DCL/23/13

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

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

05. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

06. No development shall take place, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period and shall include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) The implementation of the precautionary mitigation for breeding birds, amphibians, reptiles, badgers, and hedgehogs
- (g) Timings of the works to the Wheelhouse to avoid the bat hibernation period
- (h) Details of what to do if bats are found during the construction works.

Reason: In the interests of the amenities of the area, highway safety and convenience and to ensure the appropriate implementation of biodiversity mitigation measures.

07. The approved bicycle parking facilities shall be provided prior to the first use of the development and shall thereafter be retained in good working order for the use of visitors to the development.

Reason: In the interests of encouraging the use of sustainable modes of transport.

8. The development hereby permitted shall not commence until the stopping up of the highway on Lower Sandgate Road has been approved by the Local Highway Authority.

DCL/23/13

Reason: In the interests of highway safety.

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

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

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological watching brief to be undertaken by a suitably qualified archaeologist so that groundworks are observed, and items of interest and finds are recorded, reported on and the new information made publicly accessible. The watching brief shall be in accordance with a Written Scheme of Investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

11. All works recommended in the approved slope stability assessment shall be carried out as set out in the approved documents and upon completion confirmation from a suitably qualified engineer that the approved works have been carried out in full shall be submitted to the Local Planning Authority prior to the building being occupied.

Reason: The site lies within, or within the influence of an area identified as being subject to soil instability as detailed on the Ordnance Survey Geological Survey and it is necessary to ensure that appropriate works are carried out in order to ensure the stability of the site and the development and the adjoining land and buildings.

Informatives:

1. Highways

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

DCL/23/13

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181