

# DCL/23/54

<b>Application Number</b>	Y19/1378/FH
<b>Location</b>	Elham Methodist Church, High Street, Elham, Canterbury, Kent, CT4 6TA
<b>Application Description</b>	Installation of external platform lift to side elevation along with installation of new access ramp to front of the building.
<b>Applicant</b>	Susan Vale
<b>Agent</b>	Mr David Gullick
<b>Officer Contact:</b>	Macey Douglas

## Recommendation

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

### 1. Reason for consideration by the Committee

- 1.1. The application is reported to Committee at the request of Councillor Godfrey, on the grounds that the external platform lift would be harmful to the historic significance of the Conservation area.

### 2. Site and Surroundings

- 2.1 The application site comprises of a large, detached building dated 1839 which is known as the Elham Methodist Church. The building is finished with a stucco frontage and four doric pilasters in a neoclassical design. It also features uPVC fenestrations which appear to have been in situ since at least 2009.
- 2.2 The site is located within the settlement boundary of Elham and within the Elham Conservation Area as well as the Kent Downs National Landscape (formally Area of Outstanding Natural Beauty).
- 2.3 A site location plan is attached to this report as **Appendix 1**.

## 3. Proposal

- 3.1. Full planning permission is sought for the installation of an external platform lift to the southern side elevation of the building as well as the installation of a new access ramp to the front of the proposed lift.
- 3.2. Since submission of the application, the applicant has removed the proposed off-street parking to the front of the building to resolve concerns by Kent County Council Highways.

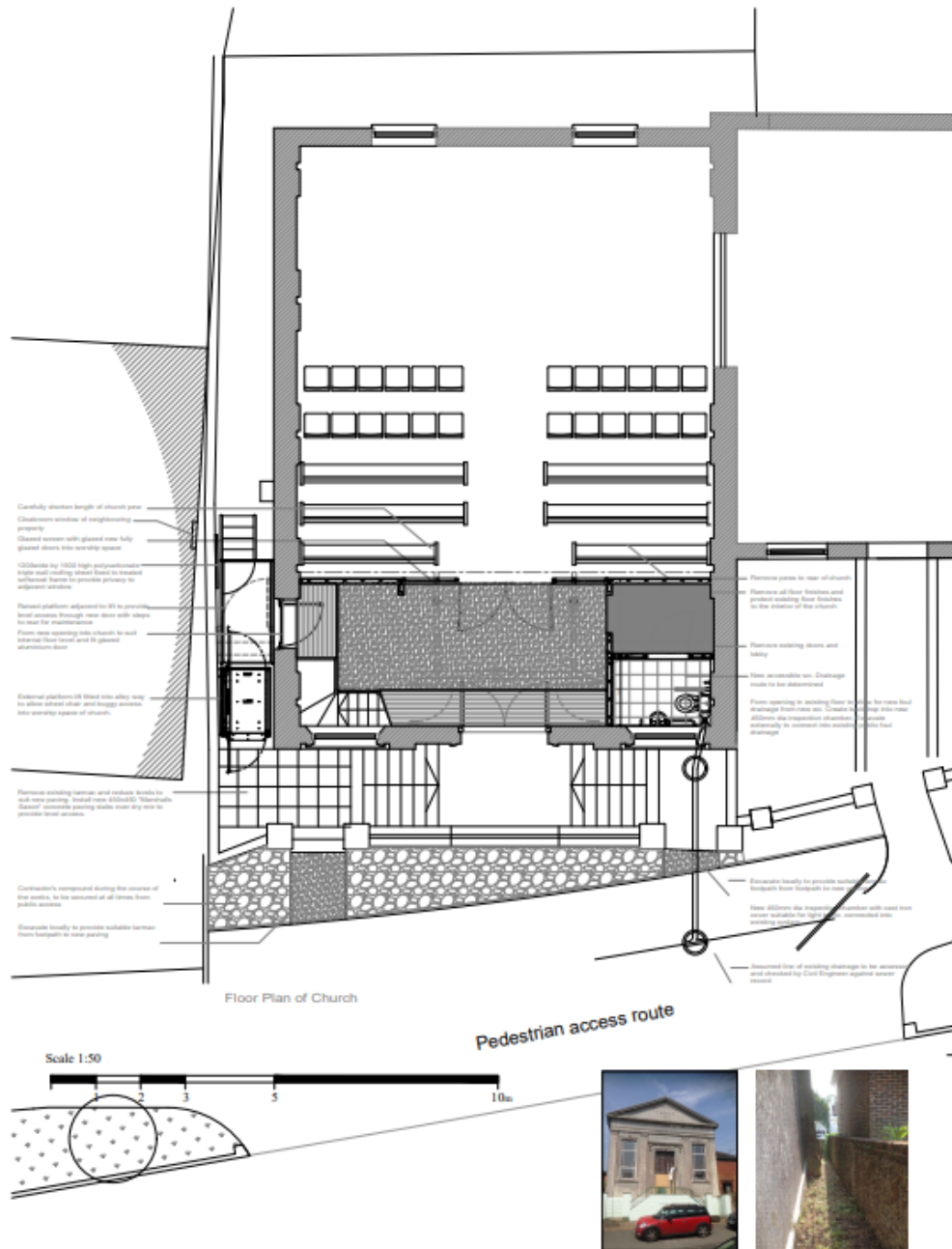


Figure 1 Proposed Floor Plan



Figure 2 Proposed Front Street Elevation

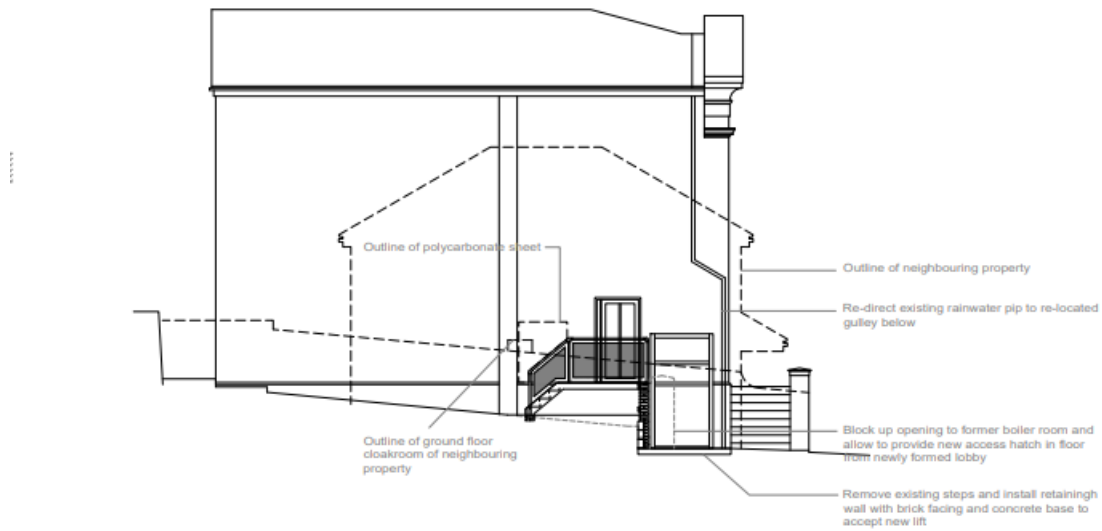


Figure 3 Proposed Southern Side Elevation

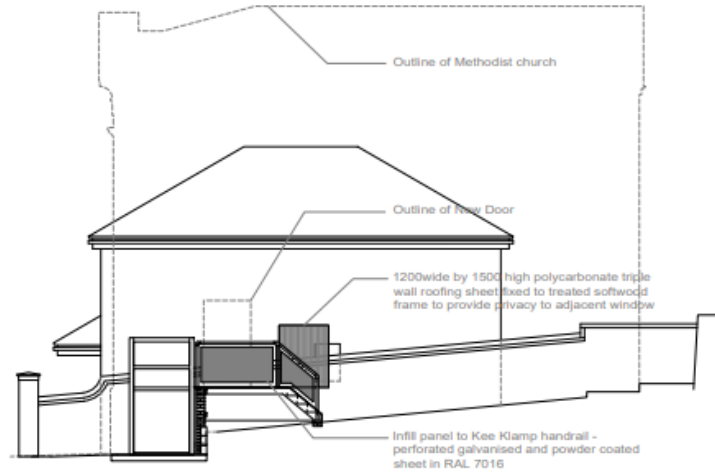


Figure 4 Proposed Side Elevation in Context with Neighbouring Property

## 4. Relevant Planning History

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

85/0849/SH	Erection of detached house with integral garage (as amended by drawings accompanying letter dated 1 <sup>st</sup> October 1985)	Approved with Conditions
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## 5. Consultation

5.1 The key consultation responses are summarised below.

### Consultees

#### **Elham Parish Council:**

Raises objection on the grounds that the plan submitted is not believed to be accurate as they do not believe the lift will fit into the proposed space without works being carried out to the ancient flint wall and that the proposed development would have an adverse impact on the amenity of the neighbouring property given the lifts proximity to the neighbouring properties bathroom window.

#### **KCC Highways and Transportation:**

Raise no objections following the amendments to the proposal which no longer include the parking spaces to the front of the building.

#### **Kent Downs AONB Unit:**

No comments have been received.

### Public/Neighbour Consultation

5.2 Nine neighbours directly consulted. Fourteen letters of objection have been received.

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

### Objections

- Loss of light to neighbouring properties cloak room
- Loss of privacy to neighbouring properties cloak room
- Harm to significance of conservation area and the building
- Concern with loss of on street parking for residents and highway safety
- Material details have not been provided

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5.4 The following issues were raised but are not considered to be material considerations and have been given no weight in the consideration of this application.

- Sewage
- Concern with internal works
- Concern with accessibility to maintain the building

5.5 The Ward Member, Cllr D Godfrey requested that the application be called-in on the grounds that the proposed wheelchair lift access would result in harm to the Conservation Area.

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

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

## 6. Planning Policy

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

6.2 The relevant development plan policies are as follows: -

### Places and Policies Local Plan 2020

- HB1 - Quality Places Through Design
- HB8 - Alterations and Extensions to Buildings

### Core Strategy Local Plan (2013)

- SS1 - District Spatial Strategy

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

## **Government Advice**

National Planning Policy Framework (NPPF) 2023

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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.
- Paragraphs 195 - 208 - Conserving and enhancing the historic environment.

## National Planning Policy Guidance (NPPG)

Historic Environment

### 7. Appraisal

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

- a) Are the design of the proposal, its impact on visual amenity and on the conservation area acceptable?
- b) Would the proposed development harm residential amenity?
- c) Would the proposal harm highway safety?
- d) Other matters

**a) Are the design of the proposal, its impact on visual amenity and on the conservation area acceptable?**

7.2 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.

7.3 In this instance as the proposed external lift and associated access ramp would only be partially visible from the street scene given its location to the side of the church and that it is set significantly back from the highway by approximately 4.00 metres, the proposed development would have a neutral impact on, and therefore would preserve the character and appearance of the Conservation Area and is acceptable in this regard.

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- 7.4 Under the NPPF conservation areas are designated heritage assets and their conservation is to be given great weight in planning decisions. 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 200 & 201), 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 203).
- 7.5 The NPPF states that the impact of any development, great weight should be given to the asset's conservation. The greater the importance of the asset, the greater the weight should be given (paragraph 205) and any harm to, or loss of the significance should require clear and convincing justification (paragraph 206). 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 208. Heritage benefits are a public benefit to consider in the weighing exercise.
- 7.6 The significance of the Conservation Area is derived from its historic and architectural character and appearance. Elham Methodist Church occupies a prominent position within Elham High Street and is an important building within the conservation area. Whilst the building itself is not Listed, it contributes markedly to the historic significance of the Conservation Area.
- 7.7 The proposed wheelchair access lift would be erected to the southern side of the building next to the flint stone boundary wall. The proposed access lift is functional in design and would feature an obscure glazed privacy screen. The structure, though practical, would present as a contrasting modern addition to the site. The lift would however be sited approximately 4.00 metres back from the front boundary wall so as to minimise its appearance from the street scene, limiting its visibility.
- 7.8 The modern contrasting appearance of the wheelchair access lift would result in 'less than substantial harm' to the significance of the heritage asset. However, it is accepted that the need for a wheelchair access lift for members of the church to access the site would provide a public benefit, which would outweigh the harm that it may have on the historic character and appearance of the conservation area.
- 7.9 Concern has been raised regarding the proposed use of materials as the application form does not provide details of materials. However, as the proposed lift is a standard model the materials have not been provided at this stage, in the event of an approval, this can be conditioned with details of the lift being required to be submitted for approval.

7.10 Concern has also been raised concerning the potential loss of the existing flint boundary wall which separates the application site from the neighbouring property of Eden House to the south of the site. The proposal does not include the loss of the wall and would not be impacted by the proposed development.

7.11 Overall, it is concluded that whilst the proposal would result in less than substantial harm, it would provide a public benefit that is considered to outweigh the harm caused. Further, and for the reasons given above, the addition of the external lift and associated ramp would preserve the historic character and appearance of the Conservation Area. The application is considered to accord with the provisions set out within Chapter 16 of the NPPF.

## **b) Residential amenity**

7.12 The proposed location of the wheelchair access and associated ramp would be located to the southern side of the host building. Given its location, the proposed development would have no impact upon the neighbouring property to the north, Shelomi, by way of loss of light, loss of privacy or overbearing impact as it would not extend beyond the front or rear building line.

7.13 Turning to the neighbouring property to the south, Eden House, concern has been raised regarding the potential loss of light and privacy to their side elevational opening. This window serves a cloak room, which is not considered to be a habitable room and is also fitted with obscure glazing. Furthermore, the Church itself would already result in an overbearing impact given the existing relationship with the neighbouring property. Therefore, it is not considered that the proposed wheelchair access lift and associated ramp would result in harm to the residential amenity of the neighbouring occupants of Eden House.

7.14 The proposed development would not result in any additional noise above and beyond what is to be expected given that it would be incidental to the building and as such the activity on site would be similar to that of the existing and thus would not impact the surrounding neighbours.

7.15 The proposed development is not considered to result in any significant residential amenity impacts to neighbouring residents and would not result in harm by way of loss of light, loss of privacy or overbearing and therefore is acceptable.

## **c) Parking and highway safety**

7.16 Concern has been raised regarding the potential issues that may arise from the proposed development in relation to parking on site and the loss of off-street parking for residents leading to congestion along Elham High Street. KCC Highways also raised concerns initially regarding this element of the proposal.



- 7.17 However, since submission, the application no longer includes the addition of two off street parking spaces to the front of the building alleviating these concerns. KCC highways have raised no objection to the proposed development.
- 7.18 It is therefore considered that the proposed wheelchair access lift and ramp to the side of the building would not result in any highway or parking concerns.

## **d) Other matters**

- 7.19 Other non-material concerns have been raised as a part of the application. These include sewage connection as a result of internal works, harm to the internal works of the building, and access to rear of the building for maintenance purposes.
- 7.20 In response to concerns regarding sewage connection, as the proposed works would be internal and would not result in an additional connection to the sewer as they would utilise the existing connection. This is not a material consideration.
- 7.21 Turning to the concerns raised over the potential internal harm to the historic fabric of the building, as the church itself is not Listed, works to the interior do not require consent.
- 7.22 Concern has also been raised regarding the loss of access to the rear of the church for maintenance purposes. As shown on figure 3 Proposed Floor Plan, access would still be possible from the wheelchair access lift and stairs to the rear.

## **Environmental Impact Assessment**

- 7.23 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**

- 7.24 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**

- 7.25 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**

- 7.26 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.
- 7.27 It is considered that the application proposals would not conflict with objectives of the Duty.

## **Working with the applicant**

- 7.28 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 is considered to be acceptable and would result in less than substantial harm to the significance of the conservation area however the public benefit as a result of the proposed development would outweigh the harm. Resultantly, the proposed development is considered to preserve the character and appearance of the Elham Conservation Area. All other material considerations are considered to be acceptable in regard to residential amenity,

visual amenity, and highway safety subject to the conditions set out at the end of this report.

## 9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council ([www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference Y19/1378/FH)

## 10. RECOMMENDATIONS

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

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

Conditions:

1. The development must begin within three years of the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended)

2. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

<u>Plan/Drawing Title</u>	<u>Drawing Number</u>	<u>Received</u>
New access and assisted WC proposed plans and elevations	29511A-03 Rev B	30.11.20

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

3. Prior to the installation of the external lift and associated access ramp, full details of the materials and external finishes to be used in their installation shall first be submitted to, for the prior written approval of, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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Reason: In the interest of visual amenity.

