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Application No: 22/0118/FH

Location of Site: Racquet Court, Burgoyne Barracks, West Road, Folkestone

Development: Listed building consent for removal of irreparable mortaring and damaged fabric. Mortaring and re-pointing across building. Replacement of damaged brickwork and cleaning of brickwork to be retained in situ. Treatment of existing/exposed metalwork for corrosion. Installation of structural concrete and timber elements to conservation standard. Crack stitch repair across building. The demolition of the northern modern extension

Applicant: Mr David Bradley

Agent: Mr Edward Hawkins

Officer Contact: Piran Cooper

SUMMARY

This report considers whether listed building consent should be granted for the removal of irreparable mortaring and the damaged fabric of the Racquet Court, including mortaring and re-pointing across building, the replacement of damaged brickwork and cleaning of brickwork to be retained in situ, the treatment of existing/exposed metalwork for corrosion, the installation of structural concrete and timber elements to conservation standard and crack stitch repair across building. The 1901 western extension will be retained, but the northern extension will be demolished.

The report assesses the impact upon the significance of the heritage assets and finds that although very low harm is caused, it is less than substantial and considered to be outweighed by the public benefits of the proposal.

RECOMMENDATION:

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

1. INTRODUCTION

1.1. The application is reported to Committee because Sandgate Parish Council has objected to the proposal.

2. SITE AND SURROUNDINGS

2.1. The application site comprises the original Racquet Court building, with the 1901 western extension and a northern extension. The buildings previously formed a part of the Burgoyne Barracks. They are on a site at the southern end of West Road (which

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contains Shorncliffe camp on its western side), where it makes a sharp turn east to pass around the remnants of The Redoubt earthworks before dropping down towards Seabrook.

2.2. The Racquet Court buildings are contained by West Road on its west and south sides. The earthworks of the redoubt are opposite on the south side of West Road and the Shorncliffe Military Cemetery is within close proximity to the southwest. The site falls within the settlement boundary for Folkestone and is at the southern edge of the Taylor Wimpey housing develop site at Shorncliffe.

2.3. The Racquet Court is Grade II listed and is located immediately to the south west of the Grade II listed Concrete Barrack Block. The original building, dating from 1869 has been extended on its west and north sides, the earliest extension dating from 1901. The extensions have created a rectangular courtyard contained by a high brick boundary wall with gates on its west side. The building itself comprises a large brick structure, which originally contained a single large internal space. The entrance is on the east side and here a staircase rises to a gallery, originally overlooking the main space. The roof structure is formed by a series of light steel trusses with a bow topped shape, this supporting the roof which is of traditional construction with sarking (softwood) boarding supporting the fibre cement slate roof covering. The roof structure supported by the steel trusses is in two planes and it is clear from the arrangement of joists that the upper part was originally an expansive patent glazed roof light covering more than half the entire roof area, extending from end to end. The glass is gone, and the original timber patent glazing bars have been boarded over and slated with the rest of the roof, forming the upper part of the roof, which is all now covered with fibre cement slates. The distinctive shape of the roof structure is reflected in the bow topped, segmental gable pediments, which at the east end incorporate a clock and surmounted by a bell turret. Here too are the original and substantial timber siding sashes, which are arched at first floor level. The elevations are divided up by a series of brick buttresses on all four sides, with those on the north and south sides built in a red brick contrasting with the generality of a buff London stock type brick. The existing site layout is shown below, in Figure 1:



Figure 1. Existing Site Layout

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Figure 2 – Existing East Elevation



Figure 3 – Existing South Elevation



Figure 4 – Existing West Elevation



Figure 5 – Existing Inner North Elevation
– inner courtyard

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

3. PROPOSAL

3.1 Listed building consent is sought for the removal of irreparable mortaring and damaged fabric within the existing building, with mortaring and re-pointing to be carried out across the building. The proposals also include the replacement of damaged brickwork and cleaning of brickwork to be retained in situ, together with the treatment of existing/exposed metalwork for corrosion and the installation of structural concrete and timber elements to conservation standard. Finally, crack stitch repairs will be undertaken, where required across the building. It is also proposed to demolish the northern modern extension.

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

Built Heritage Statement

Amended Application: The Racquet Court, Shorncliffe Garrison, Folkestone, Kent.
January 2023

The built heritage statement contains a resume of the relevant legislative and planning policy framework, an architectural and historical appraisal of the site buildings, an assessment of significance and finally an assessment of the impact of the proposals. The document concludes that the proposals will secure the architectural and historic interest of the Racquet Court building. The proposals will not alter the legibility of any historical or functional relationship between any of the surviving historic elements of Shorncliffe Camp. The proposed development will not alter the intrinsic architectural or historic interest of any nearby built heritage asset or the ability to appreciate their significance within their close/immediate settings. The proposals are considered to have no potential to affect the significance of any relevant built heritage asset and represent a benefit to the Racquet Court building by ensuring its ongoing survival. The Statement concludes by stating that the report is sufficient in respect of paragraph 194 of the NPPF to inform a decision on the suitability of the proposals in respect of built heritage matters.

Structural Inspection of Legacy Buildings

The Structural Legacy Document appraises a number of buildings within the Barracks, including the Racquet Court and provides details of their physical condition. The written assessment is supported with a suite of photographs to the illustrate structural and maintenance issues. The document includes a method statement for the dismantling of the extension attached to the Racquet Court.

4. RELEVANT PLANNING HISTORY

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

Y14/0300/SH	The Stadium, Aldridge Road, Folkestone, Kent - Hybrid application for the redevelopment of land at Shorncliffe Garrison. Application for outline permission (with all matters reserved) for demolition of existing buildings (with the exception of the listed buildings, officers' mess	Approved with Conditions.
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within Risborough Barracks and water tower) and erection of up to 906 dwellings including affordable housing, community services and facilities (use Classes A1/A3/B1a/D1 and D2 uses up to 1,998 sqm), new Primary school and nursery (up to 3,500 sqm), combined new pavilion/cadet hut facility (up to 710 sqm) at The Stadium, retained cricket pitches including mini football pitches, equipped play, associated public open space and toilets, together with, associated accesses/roads, parking, associated services, infrastructure, landscaping, attenuation features and earthworks.

Full application comprising demolition of existing buildings and erection of 294 dwellings including affordable housing, open space, improvements to 'The Stadium' sports facilities and new car park, equipped play improvements/works to The Backdoor Training Area, associated accesses/roads, parking, associated services, infrastructure, landscaping, attenuation features and earthworks

Y19/0318/FH	Burgoyne Barracks North & Napier Barracks, West Road, Folkestone, Kent - Erection of 355 dwellings along with associated landscaping, infrastructure and earthworks at Phases 2C and 4, Burgoyne Barracks North and Napier Barracks, pursuant to outline planning permission Y14/0300/SH	Approved with Conditions
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The above are strategic permissions that relate to the area around the site. There are no applications that directly relate to the site itself.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Sandgate Parish Council: Welcomes the retention of the western extension. However, the Parish Council objects to the demolition of the northern extension of the racquet court on the basis that it may impact on the viability of the subsequent usage of the building. If the northern extension were to be granted permission for demolition, the parish council is firmly of the view that the site should be retained as an open space to enhance the setting of the Grade 2 listed racquet court. The application should also contain details of future use and internal design of the western elevation.

Historic England: The removal of the existing northern extension has the potential to cause a very very low level of harm and the proposed repairs have the potential to enhance the architectural value of the building. The amended scheme, which retains

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the single storey 1901 building to the west of the Racquet Court, would reduce harm to the significance of the grade II listed building. This is because more of the Racquet Court's historic built context is maintained and this solution avoids the need for significant structural works on the west elevation of the racquet court which would have harmed its architectural value.

Local Residents Comments

5.2 Three letters of objection, no letters of support received and no letters neither supporting nor objecting to the application.

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

Objections

- Many issues still need to be resolved including the question of the building's curtilage.
- The Racquets Court has a direct link to the planning application which was refused in July 2021 for Section 2C Burgoyne Barracks and the Heritage/Southern Quarter, where this building is located along with 3 other retained heritage buildings.
- Retain existing extensions for potential future uses.
- Retain existing extensions to avoid the need for the supporting steel structure.
- The existing courtyard area should be retained.
- Ignoring curtilage listing and not considering guidance on setting
- Incorrect matters of detail within the in application, e.g. – the additions to the Racquet Court are not modern.

General Comments

- A meeting was requested to discuss the proposals, which didn't take place.
- Query whether Conservation Consultant, or KCC Heritage Officers have been properly included within the process.
- Availability of reports
- Lack of sharing of information
- There was a failure to accurately advertise the application for listed building consent. (CPO comment: The Conservation Consultant and Historic England have been consulted and the application was advertised in accordance with the Regulations).

5.4 **Ward Member**

No response from the Ward Member at the time of writing the report.

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

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

6. RELEVANT PLANNING POLICY

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

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

Policy HE1 - Heritage Assets

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

Supplementary Planning Guidance/Documents

Sandgate Village Design Statement 2019 Review

SDS 7 – Shorncliffe Garrison Redevelopment

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:-

Paragraphs 189 – 202 Proposals affecting heritage assets

National Planning Policy Guidance (NPPG) 2021

7. APPRAISAL

7.1 The main issue for consideration is whether the proposal will result in any harm to, or loss of significance of the Grade II listed building.

a) Heritage Impact

7.2 The application site is at the edge of the Shorncliffe Barracks Site, which was identified for residential development in accordance with Policy SS11 - Spatial Strategy for Shorncliffe Garrison within the Folkestone & Hythe District Council Core Strategy Review 2022.

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- 7.3 The intention of the application for listed building consent is to stabilise the building to prevent further deterioration, so that it is safeguarded for a future use.
- 7.4 There are two extensions to the original structure, one to the west and one to the north. These are physically attached to the original Racquet Court building and are therefore covered by the listing. The original intention was to demolish both of these extensions to reveal the building in its original form but this necessitated the need for a steel frame on the inside of the western wall of the original building. This was considered to be detrimental to the historic integrity of the original building and the proposals were amended, retaining the western extension, which negates the need for the supporting steel structure on the western wall.
- 7.5 The way in which decisions which affect listed buildings and conservation areas are to be approached is determined by legislation, the NPPF and the NPPG. At the local level, PPLP Policy HE1 supports proposals that provide, where possible, a viable use that assists in social and economic regeneration and ensures the long term protection, conservation and where appropriate, the enhancement of heritage assets in line with Government legislation.
- 7.6 The Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving a listed building and its setting when making planning decisions.
- 7.7 Section 16 of the NPPF sets the considerations when assessing planning applications which affect the historic environment. These include paragraph 194 which requires that an applicant should describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 195 describes the need to identify and assess the particular significance of any heritage asset that may be affected by a proposal, and to take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of a proposal.
- 7.8 Paragraph 197 also notes that in determining applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 7.9 Paragraph 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.10 When reaching a decision on a proposal which causes less than substantial harm, paragraph 202 requires that any harm is weighed against the public, including heritage benefits of a proposal.

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7.11 The NPPF defines the significance of a heritage asset as being made up of four main constituents: architectural interest, historical interest, archaeological interest and artistic interest.

7.10 The racquet court was built between 1867 and 1873 by the Royal Engineers as part of the development of the military camp, which had begun in the late 18th century. The building is principally significant for its architectural interest as a prominent building with well-articulated facades and an unusual lightweight roof whose elevations, plans and roof structure remain little altered – a rarity among surviving military racquet courts. The historic value associated with a racquet court built to improve discipline and well-being for Officers also contributes to the building's significance. To the north and west of the racquet court are two single storey buildings of c1901. Their original function is not entirely clear, but the list description for the racquet court describes them as store buildings. It is not possible to be entirely precise about their contribution to the significance of the racquet court without understanding more about their historic function. However, they do contribute to a wider understanding of how the site developed at the turn of the 20th century.

7.11 Historic England (HE) have commented that the removal of the northern extension, a much later building that was probably a store, has the potential to cause a very, very low level of harm to the significance of the racquet court because its later historic context would be altered. HE also considers that the proposed repairs also have the potential to enhance the architectural value of the building and thus also its significance where these will improve damaged brickwork or finishes.

The Council's Consultant Conservation Architect considers that the revised proposals, which include the retention of the western extension now represent a worthwhile restoration of the external fabric of the building, leaving it in a sound state ready for a future (*as yet undetermined*) reuse.

7.12 As has been stated above, the plans were amended during the processing of the application to retain the single storey 1901 building to the west of the racquet court and in HE's view, this would reduce harm to the significance of the listed building because more of the building's historic built context is maintained and this solution avoids the need for significant structural works on the west elevation which would have harmed its architectural value. I concur with this assessment and consider that the retention of this extension satisfies para 195 in terms of avoiding or minimising harm. In my view the proposed repairs to the fabric of the building would also satisfy para 197(a) as they would improve the building's appearance and would enhance significance. Furthermore, I consider that the very, very low level of harm resulting from the loss of the northern extension identified by HE, can be weighed favourably against the public benefits of the proposal, as the repairs proposed would be likely to secure the optimum future viable use of the building. The proposed works will prevent further deterioration, making the building more attractive for new users because it is in a better state of

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repair. The retention of the western extension could also add flexibility to possible future uses.

7.13 I am therefore satisfied that the proposals satisfy the requirements of the NPPF and PPLP policy HE1 and that listed building consent should be granted, subject to the conditions listed below.

Environmental Impact Assessment

7.14 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

7.15 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.

7.16 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The development is not CIL liable as it does not involve a change of use to either residential or retail.

Human Rights

7.17 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

7.18 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

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- 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.

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

Working with the applicant

7.19 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 proposals would safeguard a grade II listed building to prevent its further decline and prepare it for a new use at some point in the future. The removal of the northern extension is considered to amount to less than substantial harm but the public benefits gained from the proposal outweigh the harm, in accordance with the NPPF.

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

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

Conditions:

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Site location plan, Date received 24.01.23

Drawing Number: A6070-E-1001 P2, Drawing Title: General Notes, Date received 15.06.23

Drawing Number: A6070-E-1002 P1, Drawing Title: Ground Floor Plan, Date received 24.01.23

Drawing Number: A6070-E-1003 P1, Drawing Title: First Floor Plan, Date received 24.01.23

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Drawing Number: A6070-E-1004 P1, Drawing Title: High Level Ceiling Plan, Date received 24.01.23

Drawing Number: A6070-E-1005 P1, Drawing Title: Roof Plan, Date received 24.01.23

Drawing Number: A6070-E-1010 P1, Drawing Title: Elevation A-A, Date received 24.01.23

Drawing Number: A6070-E-1011 P1, Drawing Title: Elevation B-B, Date received 24.01.23

Drawing Number: A6070-E-1012 P1, Drawing Title: Elevation C-C, Date received 24.01.23

Drawing Number: A6070-E-1013 P2, Drawing Title: Elevation D-D, Date received 09.01.23

Drawing Number: A6070-E-1030 P2, Drawing Title: Details, Date received 09.01.23

Drawing Number: A6070-E-1040 P1, Drawing Title: Existing photo elevations, Date received 24.01.23

Drawing Number: A6070-E-1050 P1, Drawing Title: Plan Showing Attached Bldgs To Be Retained & Dismantled, Date received 08.02.23

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 commencement of development samples of any replacement bricks to be used in the repairs of the external elevation brickwork to be submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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.

4. Prior to the commencement of development sample/s of the proposed lime mortar mix of any areas of brickwork repointing to be submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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.

5. Prior to the commencement of development a sample area of the proposed pointing technique of any repointed areas shall be made available and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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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.

6. Prior to the commencement of development details of the proposed method of removing existing paint finishes from areas of previously painted masonry shall be submitted to and approved by the Local Planning Authority.

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.

7. Prior to the commencement of development details of and sections details of any parts of the external joinery that have to be replaced to be submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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.

8. Prior to the commencement of development details of the profiles of the proposed cast iron eaves guttering and down-pipes to be submitted to and approved by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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.